

CHAPTER VIII: HEALTH AND WELFARE

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ARTICLE 1: HEALTH NUISANCES

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8-101 NUISANCES UNLAWFUL; DEFINED.

It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

(a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure, or lot whether vacant or occupied;

(b) All dead animals not removed within 24 hours after death;

(c) Any place or structure or substance that emits or causes any offensive, disagreeable or nauseous odors;

(d) All stagnant ponds or pools of water;

(e) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;

(f) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged or unfastened and removed therefrom;

(g) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood; and

(h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city.

(K.S.A. 21-6204) (1997 Code, ' 8-101) (Ord. 731, adopted 3-16-2005)

' 8-102 PUBLIC OFFICER.

The person designated by the city shall designate a public officer to be charged with the administration and enforcement of this article.

(1997 Code, ' 8-102) (Ord. 731, adopted 3-16-2005)

' 8-103 COMPLAINTS; INQUIRY AND INSPECTION.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located, or is informed that a nuisance may exist by the Board of Health, Chief of Police or the Fire Chief. The public officer may make such inquiry and inspection when he or she observes conditions that appear to constitute a nuisance. Upon making any inquiry and inspection, the public officer shall make a written report of findings.

(1997 Code, ' 8-103) (Ord. 731, adopted 3-16-2005)

' 8-104 RIGHT OF ENTRY.

The public officer has the right of access and entry upon private property at any reasonable time to the extent allowed by law for the purpose of making inquiry and inspection to determine if a nuisance exists.

(1997 Code, ' 8-104) (Ord. 731, adopted 3-16-2005)

' 8-105 ORDER OF VIOLATION.

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of ' 8-101, an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding 24-month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods

including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(K.S.A. 12-1617e) (1997 Code, ' 8-105) (Ord. 731, adopted 3-16-2005)

' 8-106 SAME; CONTENTS.

(a) The order shall state the condition(s) that is (are) in violation of ' 8-101. The order shall also inform the person, corporation, partnership or association that:

(1) He, she or they shall have ten days from the receipt of the order to abate the condition(s) in violation of ' 8-101; provided, however, that the governing body (or its designee named in ' 8-105) shall grant one or more extensions of the ten-day-period if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions in violation of ' 8-101; or

(2) He, she or they have ten days from the receipt of the order, plus any additional time granted under division (a)(1) above, to request a hearing before the governing body or its designated representative of the matter as provided by ' 8-109.

(b) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by ' 8-107 and/or abatement of the condition(s) by the city as provided by ' 8-108.

(K.S.A. 12-1617e) (1997 Code, ' 8-106) (Ord. 731, adopted 3-16-2005)

' 8-107 FAILURE TO COMPLY; PENALTY.

Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing, the public officer may file a complaint in the Municipal Court of the city against such person, corporation, partnership or association and upon conviction of any violation of provisions of ' 8-101, be fined in an amount not to exceed \$100, or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(1997 Code, ' 8-107) (Ord. 731, adopted 3-16-2005)

' 8-108 ABATEMENT.

(a) In addition to, or as an alternative to prosecution as provided in ' 8-107, the public officer may seek to remedy violations of this article in the following manner. If a person to whom an order has been served pursuant to ' 8-105 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in ' 8-106, 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 ten days after passage of the resolution. The resolution shall further 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 ' 8-110.

(b) 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) 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.

(c) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding 24-month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(1997 Code, ' 8-108) (Ord. 731, adopted 3-16-2005)

' 8-109 HEARING.

If a hearing is requested within the ten-day-period as provided in ' 8-106, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person=s right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in ' 8-108.

(1997 Code, ' 8-109) (Ord. 731, adopted 3-16-2005)

' 8-110 COSTS ASSESSED.

If the city abates or removes the nuisance pursuant to ' 8-108, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located; and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs; and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land; and it shall be collected by the County Treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1617e) (1997 Code, ' 8-110) (Ord. 731, adopted 3-16-2005)

ARTICLE 2: ENVIRONMENTAL CODE

Section

8-201	Title
8-202	Legislative finding of fact
8-203	Purpose
8-204	Rules of construction
8-205	Definitions
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8-207	Enforcement standards
8-208	Unlawful acts
8-209	Order of violation
8-210	Penalty
8-211	Abatement
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8-213	Appeals
8-214	Costs assessed
8-215	Construction

' 8-201 TITLE.

This article shall be known as the AEnvironmental Code@.
(1997 Code, ' 8-201) (Ord. 731, adopted 3-16-2005)

' 8-202 LEGISLATIVE FINDING OF FACT.

The governing body has found that there exists within the city unsightly and hazardous conditions due to: dilapidation, deterioration or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents or other calamities; structural defects; uncleanliness; unsightly stored or parked material, equipment, supplies, machinery, vehicles or parts thereof. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the city, or are injurious to the health and safety of the residents of the city. The governing body desires to promote the public health, safety and welfare by the repair, removal, abatement and regulation of such conditions in the manner hereafter provided.
(1997 Code, ' 8-202) (Ord. 731, adopted 3-16-2005)

' 8-203 PURPOSE.

The purpose of this article is to protect, preserve, upgrade and regulate the environmental quality of industrial, commercial and residential neighborhoods in this city, by outlawing conditions which are injurious to the health, safety, welfare or aesthetic characteristics of the neighborhoods and to provide for the administration and enforcement thereof.

(1997 Code, ' 8-203) (Ord. 731, adopted 3-16-2005)

' 8-204 RULES OF CONSTRUCTION.

For the purpose of this article, the following rules of construction shall apply.

(a) *Any part thereof.* Whenever the words premises, structure, building or yard are used, they shall be construed as though they were followed by the words Aor any part thereof@.

(b) *Gender.* Words of gender shall be construed to mean neuter, feminine or masculine, as may be applicable.

(c) *Number.* Words of number shall be construed to mean singular or plural, as may be applicable.

(d) *Tense.* Words of tense shall be construed to mean present or future, as may be applicable.

(e) *Shall.* The word shall is mandatory and not permissive.

(1997 Code, ' 8-204) (Ord. 731, adopted 3-16-2005)

' 8-205 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. Any motor vehicle that is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of the ordinance; or incapable of moving under its own power; or in a junked or wrecked condition.

ACCESSORY STRUCTURE. A secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns or outbuildings.

COMMERCIAL or INDUSTRIAL. Used or intended to be used primarily for other than residential purposes.

DILAPIDATION, DETERIORATION or DISREPAIR. Any condition characterized by, but not limited to, holes, breaks, rot, decay, crumbling, cracking, peeling or flaking paint, rusting or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.

EXTERIOR. Those parts of a structure that are exposed to the weather or subject to contact with the elements; including, but not limited to, sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or signs.

GARBAGE. Without limitation, any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage or use of foodstuffs.

PERSON. Any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

PREMISES. Any lot, plot or parcel of land including the structures thereon. **PREMISES** shall also mean any lot, plot or parcel of land without any structures thereon.

REFUSE. Garbage and trash.

RESIDENTIAL. Used or intended to be used primarily for human habitation.

STRUCTURE. Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, including any appurtenances belonging thereto.

TRASH. Combustible waste consisting of, but not limited to, papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings or tree branches and non-combustible waste consisting of, but not limited to, metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers, or street rubbish and sweepings.

WEATHERED. Deterioration caused by exposure to the elements.

YARD. The area of the premises not occupied by any structure.
(1997 Code, ' 8-205) (Ord. 731, adopted 3-16-2005)

' 8-206 PUBLIC OFFICER.

The person designated by the city shall designate a public officer to be charged with the administration and enforcement of this article.
(1997 Code, ' 8-206) (Ord. 731, adopted 3-16-2005)

' 8-207 ENFORCEMENT STANDARDS.

No person shall be found in violation of this article unless the public officer, after a reasonable inquiry and inspection of the premises, believes that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance significantly below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under ' 8-208, but shall not include conditions that are not readily visible from any public place or from any surrounding private property.

(1997 Code, ' 8-207) (Ord. 731, adopted 3-16-2005)

' 8-208 UNLAWFUL ACTS.

(a) It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions that are injurious to the health, safety or general welfare of the residents of the community or conditions that are detrimental to adjoining property, the neighborhood or the city.

(b) For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

(1) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:

(A) Lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;

(B) Abandoned motor vehicles;

(C) Furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers or other such items of personal property; or

(D) Nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.

(2) Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated or unsightly:

(A) Exteriors of any structure;

(B) Exteriors of any accessory structure; or

(C) Fences, walls or retaining walls.

(1997 Code, ' 8-208) (Ord. 731, adopted 3-16-2005)

' 8-209 ORDER OF VIOLATION.

(a) The governing body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of ' 8-208 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding 24-month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail. The order shall state:

(1) The condition that has caused the violation of this article; and

(2) That the person in violation shall have:

(A) Ten days from the receipt of the order to alleviate the exterior conditions (yard) violation; and/or

(B) Forty-five days from the receipt of the order to alleviate the exterior conditions (structure) violation; or in the alternative to divisions (b)(2)(A) and (b)(2)(B); and/or

(C) Ten days from the receipt of the order, plus any additional time granted under division (c) below, to request, as provided in ' 8-212 a hearing before the governing body or its designated representative on the matter; and

(c) Provided, however, that the governing body shall grant one or more extensions to the time periods stated in divisions (b)(2)(A) and (b)(2)(B), above, if the owner or agent of the property demonstrates that due diligence is being exercised in the abatement of the conditions that have caused the violation of this article; and

(d) That failure to alleviate the condition or to request a hearing may result in prosecution under ' 8-210 and/or abatement of the condition by the city according to ' 8-211 with the costs assessed against the property under ' 8-214. (Ord. 731, adopted 3-16-2005) (K.S.A. 12-1617e) (1997 Code, ' 8-209)

' 8-210 PENALTY.

The public officer may file a complaint in the Municipal Court against any person found to be in violation of ' 8-208, provided however, that such person shall first have been sent a notice as provided

in ' 8-209 and that the person has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in ' 8-209. Upon such complaint in the Municipal Court, any person found to be in violation of ' 8-208 shall, upon conviction, be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment, for each offense. For the purposes of this article, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist.

(1997 Code, ' 8-210) (Ord. 731, adopted 3-16-2005)

' 8-211 ABATEMENT.

(a) In addition to, or as an alternative to prosecution as provided in ' 8-210, the public officer may seek to remedy violations of this article in the following manner. If a person to whom an order has been served pursuant to ' 8-209 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in ' 8-209, 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 ten days after passage of the resolution. The resolution shall further 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 ' 8-214.

(b) 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) 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.

(c) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding 24-month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(1997 Code, ' 8-211) (Ord. 731, adopted 3-16-2005)

' 8-212 HEARING.

If a hearing is requested within the ten-day period as provided in ' 8-209, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person=s right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefor, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the manner provided in ' 8-211.

(1997 Code, ' 8-212) (Ord. 731, adopted 3-16-2005)

' 8-213 APPEALS.

Any person affected by any determination of the governing body under ' ' 8-211 and 8-212 may appeal such determination in the manner provided by K.S.A. 60-2101.

(1997 Code, ' 8-213) (Ord. 731, adopted 3-16-2005)

' 8-214 COSTS ASSESSED.

If the city abates or removes the nuisance pursuant to ' 8-211, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(1997 Code, ' 8-214) (Ord. 731, adopted 3-16-2005)

' 8-215 CONSTRUCTION.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its laws nor to prevent or punish violations thereof. The powers conferred by this article shall be in addition to and supplemental to the powers conferred by

the State Constitution, by any other law or by ordinance.
(1997 Code, ' 8-215) (Ord. 731, adopted 3-16-2005)

ARTICLE 3: JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY

Section

- 8-301 Findings of governing body
- 8-302 Definitions
- 8-303 Nuisances unlawful; defined; exceptions
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- 8-305 Complaints; inquiry and inspection
- 8-306 Right of entry
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- 8-308 Same; contents
- 8-309 Failure to comply; penalty
- 8-310 Abatement
- 8-311 Disposition of vehicle; recovery of vehicle
- 8-312 Hearing
- 8-313 Costs assessed

' 8-301 FINDINGS OF GOVERNING BODY.

The governing body finds that junked, wrecked, dismantled, inoperative or abandoned vehicles affect the health, safety and general welfare of citizens of the city because they:

- (a) Serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (b) Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or other supports;
- (c) Are a ready source of fire and explosion;
- (d) Encourage pilfering and theft;
- (e) Constitute a blighting influence upon the area in which they are located; and
- (f) Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

(1997 Code, ' 8-301) (Ord. 731, adopted 3-16-2005)

' **8-302 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INOPERABLE. A condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed.

VEHICLE. Without limitation, any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.
(1997 Code, ' 8-302) (Ord. 731, adopted 3-16-2005)

' **8-303 NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS.**

It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

(a) (1) A **MOTOR VEHICLE NUISANCE** is any motor vehicle that is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of city ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition.

(2) Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable:

(A) Absence of a current registration plate upon the vehicle;

(B) Placement of the vehicle or parts thereof upon jacks, blocks or other supports; or

(C) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

(b) The provisions of this article shall not apply to:

(1) Any motor vehicle that is enclosed in a garage or other building;

(2) To the parking or storage of a vehicle inoperable for a period of 30 consecutive days or less; or

(3) To any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children, however, nothing in this division (b)(3) shall be construed to authorize the maintenance of a public nuisance.

(1997 Code, ' 8-303) (Ord. 731, adopted 3-16-2005)

' 8-304 PUBLIC OFFICER.

The person designated by the city shall designate a public officer to be charged with the administration and enforcement of this article.

' 8-305 COMPLAINTS; INQUIRY AND INSPECTION.

The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the Board of Health, Chief of Police or the Fire Chief. The public officer may make such inquiry and inspection when he or she observes conditions that appear to constitute a nuisance. Upon making any inquiry and inspection, the public officer shall make a written report of findings.

(1997 Code, ' 8-304) (Ord. 731, adopted 3-16-2005)

' 8-306 RIGHT OF ENTRY.

The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

(1997 Code, ' 8-305) (Ord. 731, adopted 3-16-2005)

' 8-307 ORDER OF VIOLATION.

(a) The governing body shall serve upon the owner, any agent of the owner of the property, or any other person, corporation, partnership or association found by the public officer to be in violation of ' 8-303 an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(b) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding 24-month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(K.S.A. 12-1617e) (Ord. 731, adopted 3-16-2005)

' 8-308 SAME; CONTENTS.

(a) The order shall state the condition(s) which is (are) in violation of ' 8-303.

(b) The order shall also inform the person, corporation, partnership or association that:

(1) He, she or they shall have ten days from receipt of the order to abate the condition(s) in violation of ' 8-303; or

(2) He, she or they have ten days from receipt of the order to request a hearing before the governing body or its designated representative of the matter as provided by ' 8-312;

(c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by ' 8-309 and/or abatement of the condition(s) by the city as provided by ' 8-310.

(Ord. 731, adopted 3-16-2005)

' 8-309 FAILURE TO COMPLY; PENALTY.

Should the person fail to comply with the notice to abate the nuisance or request a hearing, the public officer may file a complaint in the Municipal Court of the city against such person and upon conviction of any violation of provisions of ' 8-303, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

(1997 Code, ' 8-308) (Ord. 731, adopted 3-16-2005)

' 8-310 ABATEMENT.

(a) In addition to, or as an alternative to prosecution as provided in ' 8-309, the public officer may seek to remedy violations of this article in the following manner. If a person to whom an order has been sent pursuant to ' 8-307 has neither alleviated the conditions causing the alleged violation or requested a hearing before the governing body within the time period specified in ' 8-308, 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 ten days after passage of the resolution.

(b) (1) The resolution shall further 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 ' 8-313.

(2) A copy of the resolution shall be served upon the person in violation in one of the following ways:

(A) Personal service upon the person in violation;

(B) Service by certified mail, return receipt requested; or

(C) 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.

(3) If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding 24-month period, the governing body of the city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(1997 Code, ' 8-309) (Ord. 731, adopted 3-16-2005)

' 8-311 DISPOSITION OF VEHICLE; RECOVERY OF VEHICLE.

(a) Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by K.S.A. 8-1102, as amended.

(b) Any person attempting to recover a motor vehicle impounded as provided in this article, shall show proof of valid registration and ownership of the motor vehicle before the motor vehicle shall be released. In addition, the person desiring the release of the motor vehicle shall pay all reasonable costs associated with the impoundment of the motor vehicle, including transportation and storage fees, prior to the release of the motor vehicle.

(1997 Code, ' 8-310) (Ord. 731, adopted 3-16-2005)

' 8-312 HEARING.

If a hearing is requested within the ten-day period as provided in ' 8-308, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person=s right to contest the findings of the public officer. The hearing shall be held by the governing body or its designated representative as soon as possible after the filing of the request therefor, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body or its designated representative. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the findings of the governing body or its designated representative shall be prepared in resolution form, adopted by the governing body, and the resolution shall be served upon the person in the matter provided in ' 8-310.

(1997 Code, ' 8-311) (Ord. 731, adopted 3-16-2005)

' 8-313 COSTS ASSESSED.

If the city abates or removes the nuisance pursuant to ' 8-310, the city shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.
(1997 Code, ' 8-312) (Ord. 731, adopted 3-16-2005)

ARTICLE 4: WEEDS

Section

- 8-401 Weeds to be removed
- 8-402 Definitions
- 8-403 Public officer; notice to remove
- 8-404 Abatement; assessment of costs
- 8-405 Right of entry
- 8-406 Unlawful interference
- 8-407 Noxious weeds
- 8-408 Exemptions

' 8-401 WEEDS TO BE REMOVED.

It shall be unlawful for any owner, agent, lessee, tenant or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject as hereinafter provided.

(1997 Code, ' 8-401) (Ord. 783, adopted 4-15-2009)

' 8-402 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CALENDAR YEAR. The period of time beginning January 1 and ending December 31 of the same year.

WEEDS. Any of the following:

- (1) Brush and woody vines;
- (2) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent property;

(3) Weeds which bear, or may bear, seeds of downy or wingy nature;

(4) Weeds which are located in an area which harbor rats, insects, animals, reptiles or any other creature which either may or does constitute a menace to health, public safety or welfare; and/or

(5) Weeds and indigenous grasses on or about property within the city, which because of its height, have a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 12 inches in height.

(1997 Code, ' 8-402) (Ord. 783, adopted 4-15-2009)

' 8-403 PUBLIC OFFICER; NOTICE TO REMOVE.

(a) (1) The Mayor shall designate a public officer to be charged with the administration and enforcement of this article. The public officer, or an authorized assistant, shall notify in writing the owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this article, by mail or by personal service, once per calendar year.

(2) Such notice shall include the following:

(A) The owner, occupant or agent in charge of the property is in violation of the city weed control law;

(B) The owner, occupant or agent in charge of the property is ordered to cut the weeds within seven days of receipt of notice delivered by mail or personal service;

(C) The notice shall state the owner, occupant or agent in charge of the property may request a hearing before the governing body or its designated representative within seven days of the receipt of notice;

(D) If the owner, occupant or agent in charge of the property does not cut the weeds within seven days, or if owner is unknown or is a nonresident, and there is no resident agent, then ten days after published notice in official city paper, the city, or its authorized agent, will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property;

(E) The owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment; and, if it is not paid, it will be added to the property tax as a special assessment;

(F) After the first notice, no further notice shall be required prior to removal of weeds during the calendar year;

(G) The public officer should be contacted if there are any questions regarding this order;
and

(H) The public officer may grant an extension if just cause is shown.

(b) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this division (b), 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 notice required by this section.

(1997 Code, ' 8-403) (Ord. 783, adopted 4-15-2009)

' 8-404 ABATEMENT; ASSESSMENT OF COSTS.

(a) Upon the expiration of days after receipt of the notice required by ' 4-403, and in the event the owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements of ' 4-401, the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created at any time during the calendar year.

(b) The public officer or an authorized assistant shall give notice to the owner, occupant or agent in charge of the premises by certified mail, return receipt requested, of the costs of abatement of the nuisance. The notice shall state that payment of the costs is due and payable within 30 days following receipt of the notice.

(c) If the costs of removal or abatement remain unpaid after 30 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the county.

(1997 Code, ' 8-404) (Ord. 783, adopted 4-15-2009)

' 8-405 RIGHT OF ENTRY.

The public officer and public officer=s authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this article.

(1997 Code, ' 8-405) (Ord. 783, adopted 4-15-2009)

' 8-406 UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer=s authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

(1997 Code, ' 8-406) (Ord. 783, adopted 4-15-2009)

' 8-407 NOXIOUS WEEDS.

(a) Nothing in this article shall affect or impair the rights of the city under the provisions of K.S.A.

Ch. 2, Art. 13 relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this section, the term ***NOXIOUS WEEDS*** shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burragweed (*Franseria tomentosa* and *discolor*), pignut (*hoffmannseggia densiflora*), musk (nodding), thistle (*Carduus nutans L.*), and Johnson grass (*Sorghum halepense*).
(1997 Code, ' 8-407) (Ord. 783, adopted 4-15-2009)

' 8-408 EXEMPTIONS.

The Code Enforcement Officer of the city may approve or reject mowing exemption applications on a case by case basis, with conditions as specified.
(Ord. 783, adopted 4-15-2009)

ARTICLE 5: RODENT CONTROL

Section

- 8-501 Definitions
- 8-502 Building maintenance
- 8-503 Notice to rat-stop; when city to do work
- 8-504 Failure to comply
- 8-505 Replace rat-stoppage
- 8-506 Notice to eradicate rats
- 8-507 Conditions conducive to harborage of rats
- 8-508 Inspections

8-501 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any structure, whether public or private, that is adapted for occupancy as a residence; the transaction of business; the rendering of professional services; amusement; the display, sale or storage of goods, wares or merchandise; or the performance of work or labor, including office buildings, public buildings, stores, theaters, markets, restaurants, workshops and all other houses, sheds and other structures on the premises used for business purposes.

OCCUPANT. The person that has the use of, controls or occupies any business building or any portion thereof, whether owner or tenant. In the case of vacant business buildings or any vacant portion of a business building, the owner, agent or other person having custody of the building shall have the responsibilities of an **OCCUPANT** of a building.

OWNER. The owner of any building or structure, whether individual, firm, partnership or corporation.

RAT HARBORAGE. Any condition that provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside a structure of any kind.

RAT-STOPPAGE. A form of rat-proofing to prevent the ingress of rats into buildings from the exterior or from one building to another, consisting essentially of the closing of all openings in the exterior walls, ground or first floors, basements, roofs and foundations, that may be reached by rats from the ground by climbing or by burrowing, with material or equipment impervious to rat-gnawing. (1997 Code, ' 8-501)

' 8-502 BUILDING MAINTENANCE.

All buildings and structures located within the present or future boundaries of the city shall be rat-stopped, freed of rats and maintained in a rat-stopped and rat-free condition. (1997 Code, ' 8-502)

' 8-503 NOTICE TO RAT-STOP; WHEN CITY TO DO WORK.

Upon receipt of written notice from the governing body, the owner of any building or structure specified therein shall take immediate measures for the rat-stoppage of such building or structure. The work shall be completed in the time specified in the written notice, which shall be within 15 days, or within the time of any written extension thereof that may have been granted by the governing body. (1997 Code, ' 8-503)

' 8-504 FAILURE TO COMPLY.

If the owner fails to comply with such written notice or extension, then the governing body is authorized to take such action as may be necessary to completely rat-stop the building or structure at the expense of the owner, and the City Clerk shall submit bills for the expense thereof to the owner of the building or structure. If the bills are not paid within 60 days, the City Clerk shall certify the amount due to the City Treasurer and the charge shall be a lien against the property where the work has been done, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for rat-stoppage. (1997 Code, ' 8-504)

' 8-505 REPLACE RAT-STOPPAGE.

It shall be unlawful for any occupant, owner, contractor, public utility company, plumber or any other person to remove the rat-stoppage from any building or structure for any purpose and fail to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats. (1997 Code, ' 8-505)

' 8-506 NOTICE TO ERADICATE RATS.

Whenever the governing body notifies in writing the owner of any building or structure theretofore rat-stopped as hereinabove defined, that there is evidence of rat infestation of the building or structure,

the owner shall immediately institute appropriate measures for freeing the premises so occupied of all rats. Unless suitable measures for freeing the building or structure of rats are instituted within five days after the receipt of notice, and unless continually maintained in a satisfactory manner, the city is hereby authorized to free the building or structure of rats at the expense of the owner thereof and the City Clerk shall submit bills for the expense thereof to the owner of the building or structure and if the same are not paid, the City Clerk shall certify the amount due from the owner to the City Treasurer, and the owner shall be promptly billed therefor. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for the eradication measures.

(1997 Code, ' 8-506)

' 8-507 CONDITIONS CONDUCTIVE TO HARBORAGE OF RATS.

(a) All food and feed kept within the city for feeding animals shall be kept and stored in rat-free and rat-proof containers, compartments or rooms unless kept in a rat-stopped building.

(b) It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage or trash in any building or premises so that the same shall afford food and harborage for rats.

(c) It shall be unlawful for any person to accumulate or to permit the accumulation on any premises or on any open lot any lumber, boxes, barrels, bricks, stone or similar materials that may be permitted to remain thereon and that are rat harborages, unless the same shall be placed on open racks that are elevated not less than 12 inches above the ground, evenly piled or stacked.

(d) Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the Health Department deems it necessary to eliminate such harborage, he or she may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner to correct such other interior rat harborage as may be necessary to facilitate the eradication of rats in a reasonable time and thereby to reduce the cost of such eradication.

(1997 Code, ' 8-507)

' 8-508 INSPECTIONS.

The person designated by the city is empowered to make such inspections and re-inspections of the interior and exterior of any building or structure as in his or her opinion may be necessary to determine full compliance with this article.

(1997 Code, ' 8-508)

ARTICLE 6: INSURANCE PROCEEDS FUND

Section

- 8-601 Scope and application
- 8-602 Lien created
- 8-603 Same; encumbrances
- 8-604 Same; pro rata basis
- 8-605 Procedure
- 8-606 Fund created; deposit of monies
- 8-607 Building Inspector; investigation, removal of structure
- 8-608 Removal of structure; excess monies
- 8-609 Same; disposition of funds
- 8-610 Effect upon insurance policies
- 8-611 Insurers; liability

' 8-601 SCOPE AND APPLICATION.

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

(1997 Code, ' 8-901) (Ord. 843, adopted 8-3-2016)

' 8-602 LIEN CREATED.

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75% of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(1997 Code, ' 8-902) (Ord. 843, adopted 8-3-2016)

' 8-603 SAME; ENCUMBRANCES.

Prior to final settlement on any claim covered by ' 8-602, the insurer or insurers shall contact the County Treasurer to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the County Treasurer.
(1997 Code, ' 8-903) (Ord. 843, adopted 8-3-2016)

' 8-604 SAME; PRO RATA BASIS.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.
(1997 Code, ' 8-904) (Ord. 843, adopted 8-3-2016)

' 8-605 PROCEDURE.

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75% of the face value of the policy or policies covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of 15% of the covered claim payment, unless the Chief Building Inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by division (a) above, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Chief Building Inspector shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

(1997 Code, ' 8-905) (Ord. 843, adopted 8-3-2016)

' 8-606 FUND CREATED; DEPOSIT OF MONIES.

The City Treasurer is hereby authorized and shall create a fund to be known as the Insurance Proceeds Fund. All monies received by the City Treasurer as provided for by this article shall be placed in said Fund and deposited in an interest-bearing account.

(1997 Code, ' 8-906) (Ord. 843, adopted 8-3-2016)

' 8-607 BUILDING INSPECTOR; INVESTIGATION, REMOVAL OF STRUCTURE.

(a) Upon receipt of monies as provided for by this article, the City Treasurer shall immediately notify the Chief Building Inspector of said receipt, and transmit all documentation received from the insurance company or companies to the Chief Building Inspector.

(b) Within 30 days of the receipt of said monies, the Chief Building Inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 30 days established by division (b) above, the Chief Building Inspector shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the Chief Building Inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended, shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the monies by the City Treasurer.

(e) Upon notification to the City Treasurer by the Chief Building Inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such monies received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of the monies from the insurance company or companies.

(1997 Code, ' 8-907) (Ord. 843, adopted 8-3-2016)

' 8-608 REMOVAL OF STRUCTURE; EXCESS MONIES.

If the Chief Building Inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all monies in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(1997 Code, ' 8-908) (Ord. 843, adopted 8-3-2016)

' 8-609 SAME; DISPOSITION OF FUNDS.

If the Chief Building Inspector, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of ' 8-605(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Chief Building Inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the City Treasurer under ' 8-605(a), the Chief Building Inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

(1997 Code, ' 8-909) (Ord. 843, adopted 8-3-2016)

' 8-610 EFFECT UPON INSURANCE POLICIES.

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

(1997 Code, ' 8-910) (Ord. 843, adopted 8-3-2016)

' 8-611 INSURERS; LIABILITY.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.

(1997 Code, ' 8-911) (Ord. 843, adopted 8-3-2016)

ARTICLE 7: EMERGENCY ACTION EXPENSE RECOVERY

Section

- 8-701 Definitions
- 8-702 Strict liability
- 8-703 Recovery of expenses
- 8-704 Conflict with state and federal laws

8-701 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY ACTION. All exigent activities conducted in order to prevent or mitigate harm to the public health and safety and the environment from a release or threatened release of any material into or upon land, water or air.

PERSON. Any individual, corporation, association, partnership, firm, trustee, legal representative or any combination thereof.

RECOVERABLE EXPENSES. Those expenses of the city that are reasonable, necessary and allocable to an emergency action. **RECOVERABLE EXPENSES** shall not include normal budgeted expenditures that are incurred in the course of providing what are traditionally city services and responsibilities, such as routine firefighting protection. Expenses allowable for recovery may include, but are not limited to:

(1) Disposable materials and supplies consumed and expended specifically for the purpose of the emergency action;

(2) Compensation of employees from the time and efforts devoted specifically to the emergency action;

(3) Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment);

(4) Replacement costs for equipment owned by the city that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action (e.g.,

self-contained breathing apparatus irretrievably contaminated during the response);

(5) Decontamination of equipment contaminated during the response;

(6) Special technical services specifically required for the response (e.g., costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the city);

(7) Other special services specifically required for the emergency action;

(8) Laboratory costs of analyzing samples taken during the emergency action;

(9) Any costs of cleanup, storage or disposal of the released material;

(10) Costs associated with the services, supplies and equipment procured for a specific evacuation of persons or property;

(11) Medical expenses incurred as a result of response activities; and

(12) Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this article.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon land, water or air, of any material which the city determines may be harmful to the public health and welfare or to the environment.

THREATENED RELEASE. Any imminent or impending event potentially causing but not resulting in a release, but causing the city to undertake an emergency action.
(1997 Code, ' 8-601) (Ord. 472, adopted 11-1-1989)

' 8-702 STRICT LIABILITY.

Any person causing or responsible for a release or threatened release resulting in an emergency action shall be strictly liable to the city for the recoverable expenses resulting from the emergency action. There shall be a rebuttable presumption that any person owning or controlling property causing a release or threatened release is responsible for such release or threatened release.

(1997 Code, ' 8-602) (Ord. 472, adopted 11-1-1989)

' 8-703 RECOVERY OF EXPENSES.

(a) *Itemization of recoverable expenses.* City personnel and departments involved in an emergency action shall keep an itemized record of recoverable expenses resulting from an emergency action. Promptly after completion of an emergency action, the appropriate city department shall certify those expenses to the City Clerk.

(b) *Submission of claim.* The city shall submit a written itemized claim for the total expenses incurred by the city for the emergency action to the responsible person and a written notice that unless the amounts are paid in full within 30 days after the date of the mailing of the claim and notice, the city will file a civil action seeking recovery for the stated amount.

(c) *Lien on property.* The city may cause a lien in the amount of the recoverable expenses to be placed on any real property located within the city owned by the person causing or responsible for the emergency action.

(d) *Civil suit.* The city may bring a civil action for recovery of the recoverable expenses against any and all persons causing or responsible for the emergency action.
(1997 Code, ' 8-603) (Ord. 472, adopted 11-1-1989)

' 8-704 CONFLICT WITH STATE AND FEDERAL LAWS.

Nothing in this article shall be construed to conflict with state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remediation activities and/or paying the costs thereof.

(1997 Code, ' 8-604) (Ord. 472, adopted 11-1-1989)

ARTICLE 8: FAIR HOUSING

Section

- 8-801 Policy
- 8-802 Definitions
- 8-803 Unlawful practice
- 8-804 Discrimination in the sale or rental of housing
- 8-805 Discrimination in the financing of housing
- 8-806 Discrimination in the provisions of brokerage services
- 8-807 Exemption
- 8-808 Administration
- 8-809 Education and conciliation
- 8-810 Enforcement
- 8-811 Investigations; subpoenas giving evidence
- 8-812 Enforcement by private persons
- 8-813 Interference, coercion or intimidation
- 8-814 Prevention of intimidation in fair housing cases

' 8-801 POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.

(1997 Code, ' 8-701) (Ord. 423, adopted 9-16-1987)

' 8-802 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under this article.

DWELLING. Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

FAMILY. Includes a single individual.

PERSON. One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

TO RENT. To lease, sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
(1997 Code, ' 8-702) (Ord. 423, adopted 9-16-1987)

' 8-803 UNLAWFUL PRACTICE.

Subject to the provisions of division (b) below and ' 8-807, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to:

- (a) All dwellings except as exempted by division (b) below;
- (b) Nothing in ' 8-804 shall apply to:

(1) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division (b)(1) shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented:

(A) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and

(B) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of ' 8-804(c), but nothing in this division (b)(1)(B) shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

(c) For the purposes of division (b) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He or she has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) He or she has, within the preceding 12 months, participated as agent other than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He or she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(1997 Code, ' 8-703) (Ord. 423, adopted 9-16-1987)

' 8-804 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by ' 8-803 and except as exempted by ' ' 8-803(b) and 8-807, it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion or national origin;

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin;

(c) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion or national origin, or an intention to make any such preference, limitation or discrimination;

(d) To represent to any person because of race, color, religion or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available; and/or

(e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

(1997 Code, ' 8-704) (Ord. 423, adopted 9-16-1987)

' 8-805 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of

commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion or national origin of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in ' 8-803(b).

(1997 Code, ' 8-705) (Ord. 423, adopted 9-16-1987)

' 8-806 DISCRIMINATION IN THE PROVISIONS OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-family listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him or her in the terms or conditions of such access, membership or participation, on account of race, color, religion or national origin.

(1997 Code, ' 8-706) (Ord. 423, adopted 9-16-1987)

' 8-807 EXEMPTION.

Nothing in this article shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(1997 Code, ' 8-707) (Ord. 423, adopted 9-16-1987)

' 8-808 ADMINISTRATION.

(a) The authority and responsibility for administering this act shall be in the chief executive officer of the city.

(b) The chief executive officer may delegate any of these functions, duties and powers to employees of the city or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business or matter under this article. The chief executive officer shall by rule prescribe such rights of appeal from the decision of his or her hearing examiners to other hearing examiners or to offices in the city, to boards of officers or to himself or herself, as shall be appropriate

and in accordance with the law.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this article and shall cooperate with the chief executive officer to further such purposes.

(1997 Code, ' 8-708) (Ord. 423, adopted 9-16-1987)

' 8-809 EDUCATION AND CONCILIATION.

Immediately after the enactment of this article, the chief executive officer shall commence such educational and conciliatory activities as will further the purposes of this article. He or she shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this article and his or her suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.

(1997 Code, ' 8-709) (Ord. 423, adopted 9-16-1987)

' 8-810 ENFORCEMENT.

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter person aggrieved) may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (c) below, the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether he or she intends to resolve it. If the chief executive officer decides to resolve the complaints, he or she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complaint under division (a) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him or her and with the leave of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend his or her answer at any time. Both complaints and answers shall be verified.

(c) If within 30 days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this article, the person aggrieved may,

within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief executive officer will assist in this filing.

(d) If the chief executive officer has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days hereafter commence a civil action in any appropriate court, against the respondent named in this complaint, to enforce the rights granted or protected by this article, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such relief as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance.
(1997 Code, ' 8-710) (Ord. 423, adopted 9-16-1987)

' 8-811 INVESTIGATIONS; SUBPOENAS GIVING EVIDENCE.

(a) In conducting an investigation the chief executive officer shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation; provided further, that the chief executive officer first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel his or her access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court of the district in which the investigation is taking place. The chief executive officer may administer oaths.

(b) Upon written application to the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same limitations as subpoenas issued by the chief executive officer himself or herself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his or her request.

(c) Witnesses summoned by subpoena of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him or her.

(d) Within five days after service of a subpoena upon any person, such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if he or she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his or her power to do so, in obedience to the subpoena or lawful order of the chief executive officer shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement or fact in any report, account, record or other document submitted to the chief executive officer pursuant to his or her subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(g) The City Attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus pursuant to this article.
(1997 Code, ' 8-711) (Ord. 423, adopted 9-16-1987)

' 8-812 ENFORCEMENT BY PRIVATE PERSONS.

(a) The rights granted by ' ' 8-803 through 8-806 may be enforced by civil action in state or local courts of general jurisdiction. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided however, that the court shall continue such civil case brought pursuant to this section or ' 8-810(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this article and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this article shall not be affected.

(b) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney=s fees in the case of a

prevailing plaintiff; provided, that the plaintiff in the opinion of the court is not financially able to assume the attorney=s fees.

(1997 Code, ' 8-712) (Ord. 423, adopted 9-16-1987)

' 8-813 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by ' ' 8-603 through 8-606.

(1997 Code, ' 8-713) (Ord. 423, adopted 9-16-1987)

' 8-814 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any of the following shall be fined not more than \$1,000, or imprisoned not more than one year, or both and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both and if death results shall be subject to imprisonment for any term of years or for life:

(a) Any person because of his or her race, color, religion or national origin and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings;

(b) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in division (a) above; or

(2) Affording another person or class of person opportunity or protection so to participate.

(c) Any citizen because he or she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, service, organizations or facilities described in division (a) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(1997 Code, ' 8-714) (Ord. 423, adopted 9-16-1987)

ARTICLE 9: SMOKE-FREE WORKPLACE

Section

- 8-901 Findings of governing body
- 8-902 Prohibited; work environment
- 8-903 Same; city vehicles
- 8-904 Prohibitions
- 8-905 Violations

' 8-901 FINDINGS OF GOVERNING BODY.

The governing body finds that smoking in the city owned buildings and vehicles is hazardous to the health of city employees, elected officials, visitors, prisoners and detainees because:

(a) The United States Surgeon General, in his 1986 report, concluded that involuntary smoking is cause of disease including lung cancer in healthy nonsmokers;

(b) The Environmental Protection Agency has declared secondhand smoke a potential human carcinogen that poses greater public health risks than those of virtually any pollutant regulated under federal laws;

(c) The Environmental Protection Agency report concluded that environmental tobacco smoke should be designated a Group A carcinogen that poses greater public health risks than those of virtually any pollutant regulated under federal laws;

(d) It has been well documented that tobacco smoke hurts everyone, smokers and nonsmokers alike;

(e) The right of all our employees to breathe safely is more important to us than the right of some of them to smoke; and

(f) The city is dedicated to providing a healthy work environment for our employees.
(1997 Code, ' 8-801) (Ord. 570, adopted 9-21-1994)

' 8-902 PROHIBITED; WORK ENVIRONMENT.

To enable the city to provide a health work environment for its employees, smoking shall be

prohibited within all city owned or leased buildings including, but not limited to:

- (a) Offices;
- (b) Hallways;
- (c) Break rooms;
- (d) Restrooms;
- (e) Meeting rooms;
- (f) Shops;
- (g) Production facilities; and
- (h) All community areas.

(1997 Code, ' 8-802) (Ord. 570, adopted 9-21-1994)

' 8-903 SAME; CITY VEHICLES.

Smoking shall be prohibited in all city owned or leased vehicles.

(1997 Code, ' 8-803) (Ord. 570, adopted 9-21-1994)

' 8-904 PROHIBITIONS.

This prohibition shall apply to, but not be limited to, all elected officials, employees, visitors, prisoners and detainees alike.

(1997 Code, ' 8-804) (Ord. 570, adopted 9-21-1994)

' 8-905 VIOLATIONS.

Employees who violate this policy shall be subject to prosecution under the provisions of K.S.A. 21-4010 and amendments thereto. Any person found guilty of smoking in violation of this statute shall be punishable according to the penalty provisions of K.S.A. 21-4012 and will be subject to the same disciplinary actions that accompany infractions of other city rules including written warning, suspension and possible discharge.

(1997 Code, ' 8-805) (Ord. 570, adopted 9-21-1994)