

ORDINANCE NO. 25-16

AN ORDINANCE PERTAINING TO THE ABATEMENT OF CERTAIN NUISANCES;
AMENDING SECTIONS 6.06.070, 6.06.080, 6.06.090, 6.09.010, 6.09.070,
6.09.080, AND 6.09.090, AND REPEALING THE EXISTING SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE,
KANSAS:

SECTION ONE: Section 6.06.070 of the Olathe Municipal Code is hereby
amended to read as follows:

“6.06.070 Public Officer; Notice to Abate.

The City Manager shall designate a public officer to be charged with the
administration and enforcement of this chapter. The public officer shall
authorize the investigation of violations of this chapter. If it is determined
that a violation of this chapter exists, then the officer or authorized
designee shall send a notice to abate to the property owner,
representative, tenant, or other such responsible person ~~by certified mail,
return receipt requested, to the last known address of such property
owner, representative, tenant or other such responsible person~~ in
accordance with the provisions of Sections 6.06.080 and 6.06.090.”

SECTION TWO: Section 6.06.080 of the Olathe Municipal Code is hereby
amended to read as follows:

“6.06.080 Notice Requirements.

The notice of abatement shall state:

- (A) A common and/or legal description of the property upon which the
violation exists;
- (B) That the property is in violation of the provisions of this chapter;

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(C) A description of the nature of the violation that would reasonably allow the property owner or other responsible person, representative or tenant to determine the nature of the violation to allow for self-abatement;

(D) That the person in charge of the property shall have five (5) days from the date of personal service or the mailing of the notice to either remove and abate the violation of this chapter or request a hearing before the city's designated representative on the matter;

(E) That upon written request received prior to the expiration of the notice period, the property owner, representative, tenant or other responsible person may request a hearing before a designated hearing officer of the city;

(F) That if the owner, occupant, or agent of the property fails to correct the violation or request a hearing within five (5) days of personal service or the mailing of notice, the city or its authorized agent will remove and abate the violation of this chapter by reasonable means and assess the costs of removal, including reasonable administrative costs, against such person. Notice of the total cost of such abatement shall be provided to the owner, occupant or agent by certified mail, return receipt requested, ~~or personal~~ service;

(G) That if the assessed costs of removal, including administrative costs, are not paid within thirty (30) days of the date when the assessment comes due, the costs will be added to the property tax as a special assessment;

(H) That if any special assessments levied by the city in accordance with this chapter remain unpaid for a period of one year or more after their initial levy, the city may collect the amount due in the same manner as a personal debt of the property owner to the city by bringing an action in the Johnson County District Court. Such actions may be maintained, prosecuted and all proceedings taken, including any award of postjudgment interest, in accordance with K.S.A. 16-204, and amendments thereto, to the same effect and extent as for the enforcement of an action for debt. All provisional remedies available in such actions shall be available to the city in the

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enforcement of the payment of such obligations. In such actions the city also shall be entitled to recover interest at the rate provided in K.S.A. 79-2968, and amendments thereto, from and after the date a delinquency occurs in the payment of special assessments levied under this chapter. The city may pursue collection both by levying a special assessment and in the manner provided by this section, but only until the full cost and any applicable interest has been paid in full;

(I) ~~Violation~~ That violation of any provisions of this article shall be deemed a misdemeanor and be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment not to exceed thirty (30) days, or both. Each day any violation of this chapter continues shall constitute a separate offense punishable as a misdemeanor;

Prosecution of any offender under this section does not limit the city's right to abate any violation as defined under this chapter or to additionally recover any costs incident to the abatement process, including reasonable administrative costs;

(J) That the public officer should be contacted if there are any questions regarding the notice."

SECTION THREE: Section 6.06.090 of the Olathe Municipal Code is hereby amended to read as follows:

"6.06.090 Service of Notice.

(A) The notice shall be personally served on or sent by certified mail, return receipt requested, to the last known address of the property owner, representative, tenant, or other responsible person once each calendar year or, if the property is unoccupied and the owner is a nonresident of the State of Kansas, then by mailing notice by certified mail to the last known address of the owner once each calendar year;

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(B) Failure to sign for the certified return, receipt requested, mail notice from the City, or failure to pick up said notice from the post office within fifteen (15) days shall not be deemed a lack of notice under this chapter where delivery was attempted and a record of this attempt was provided as required by procedures for certified mail.

(C) Second or subsequent notices, within the same calendar year, will be served personally or sent by first class mail and will result in mandatory Court appearances.”

SECTION FOUR: Section 6.09.010 of the Olathe Municipal Code is hereby amended to read as follows:

“6.09.010 Authority.

The city, under the authority of Kansas Statutes Annotated ~~12-1617(f)~~ [12-1617f](#) and Kansas Statutes Annotated 2-1314, is hereby authorized to provide for and require the cutting or destruction of noxious weeds, weeds and other uncontrolled vegetation on lots or pieces of land within the city.”

SECTION FIVE: Section 6.09.070 of the Olathe Municipal Code is hereby amended to read as follows:

“6.09.070 Public Officer; Notice to Abate.

The city manager shall designate a public officer to be charged with the administration and enforcement of this chapter. The public officer shall authorize the investigation of violations of this chapter. If it is determined that a violation of this chapter exists, then the officer or authorized assistant shall send a written notice to abate to the property owner, representative, tenant, or other such responsible person ~~by certified mail, return receipt requested, to the last known address of such property owner, representative, tenant or other such responsible person. Such notice shall be required once per calendar year~~ [in accordance with the provisions of Sections 6.09.080 and 6.09.090.](#)”

SECTION SIX: Section 6.09.080 of the Olathe Municipal Code is hereby amended to read as follows:

“6.09.080 Notice Requirements.

The notice to abate shall state:

- (A) A common and/or legal description of the property upon which the violation exists;
- (B) That the property is in violation of the provisions of this chapter;
- (C) A description of the nature of the violation that would reasonably allow the property owner or other responsible person to determine the nature of the violation to allow for self-abatement;
- (D) That the person in charge of the property shall have five (5) days from the date of personal service or the mailing of the notice, or in cases where the owner is unknown and the property is vacant, ten (10) days after notice has been published by the city in the official city paper to either eradicate the excessive growth of vegetation or request a hearing before the city’s designated representative on the matter;
- (E) That upon written request received prior to the expiration of the notice period, the property owner or other responsible person may request a hearing before a designated hearing officer of the city;
- (F) That if the property owner or other responsible party fails to correct the violation or request a hearing within five (5) days of personal service or the mailing of notice or ten (10) days in the case of notice by publication, the city or its authorized agent will remove the excessive growth of vegetation by reasonable means and assess the costs of removal, including reasonable administrative costs, against such person. Notice of the total cost of such abatement shall be provided to the property owner or other responsible party by certified mail, return receipt requested, ~~or personal service~~;

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(G) That if the assessed costs of removal, including administrative costs, are not paid within thirty (30) days of the date when the assessment comes due, the costs will be added to the property tax as a special assessment;

(H) That if any special assessments levied by the city in accordance with this chapter remain unpaid for a period of one year or more after their initial levy, the city may collect the amount due in the same manner as a personal debt of the property owner to the city by bringing an action in the Johnson County District Court. Such actions may be maintained, prosecuted and all proceedings taken, including any award of post judgment interest, in accordance with K.S.A. 16-204, and amendments thereto, to the same effect and extent as for the enforcement of an action for debt. All provisional remedies available in such actions shall be available to the city in the enforcement of the payment of such obligations. In such actions the city also shall be entitled to recover interest at the rate provided in K.S.A. 79-2968, and amendments thereto, from and after the date a delinquency occurs in the payment of special assessments levied under this chapter. The city may pursue collection both by levying a special assessment and in the manner provided by this section, but only until the full cost and any applicable interest has been paid in full;

(I) That no further notice shall be given prior to removal of any subsequent excessive growth during the calendar year

(J) That the public officer shall be contacted if there are any questions regarding the notice to abate or notice of costs;

~~(K) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recover the costs or levy an assessment for the costs incurred by the cutting or destruction of the excessive growth on such property unless the new record owner of title to such property is provided notice as required by this section;~~

~~(L) Prosecution~~ That prosecution of any offender under this section does not limit the city's right to abate any excessive growth as defined under this

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chapter or to additionally recover any costs incident to the abatement process, including reasonable administrative costs.

SECTION EIGHT: Section 6.09.090 of the Olathe Municipal Code is hereby amended to read as follows:

“6.06.090 Service of Notice.

(A) The notice shall be personally served or sent by certified mail, return receipt requested, and where the property is either vacant or unoccupied, and the property owner or other responsible person is unknown, then the city clerk shall publish the notice to abate in the official city newspaper;

(B) If the notice to abate is made by publication, the property owner or other responsible person will be ordered to abate the problem within ten (10) days of the publication;

(C) Failure to sign for the certified mail, return receipt requested, notice from the city, or failure to pick up said notice from the post office within fifteen (15) days shall not be deemed a lack of notice under this chapter where delivery was attempted and a record of this attempt was provided as required by procedures for certified mail.

(D) If there is a change in the record owner of title to property subsequent to the service of notice pursuant to this section, the city may not recover the costs or levy an assessment for the costs incurred by the cutting or destruction of the excessive growth on such property unless the new record owner of title to such property is provided notice as required by this section.”

SECTION SEVEN: Existing Sections 6.06.070, 6.06.080, 6.06.090, 6.09.010, 6.09.070, 6.09.080, and 6.09.090 are hereby repealed.

SECTION EIGHT: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2025.

SIGNED by the Mayor this _____ day of _____, 2025.

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Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.