

ORDINANCE NO. 19-XX

AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE SECTIONS 6.18.090 AND 6.18.100 PERTAINING TO PENALTIES AND MANNER OF ENFORCEMENT FOR VIOLATIONS OF CHAPTER 6.18 AND REPEALING THE EXISTING SECTIONS.

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

SECTION ONE: Section 6.18.090 of the Olathe Municipal Code is hereby amended to read as follows:

“6.18.090. Compliance Required--Violation--Penalty.

(A) It is unlawful for any person, ~~corporation, association, partnership or individual~~ to fail to comply with any lawful orders issued pursuant to the provisions of this chapter.

(B) The judge of the municipal court shall in the manner prescribed by K.S.A. 12-4305 and amendments thereto establish a schedule of fines which includes a fine for a violation of Section 6.18.040(A)(2). Such fine shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation.

(C) Any person convicted of a violation of Section 6.18.040(A)(2) shall be guilty of a Unclassified Public Offense and shall be sentenced to pay a fine which shall be fixed by the court, not to exceed Five Hundred Dollars (\$500.00).

(D) Any person violating any ~~of the~~ provisions of this chapter, other than those listed in subsection (B), shall be deemed guilty of a ~~misdemeanor~~ Unclassified Public Offense and upon conviction thereof shall be fined in an amount not ~~to exceed~~ing Five Hundred Dollars (\$500.00) or be imprisoned in the county jail for a period not ~~to exceed~~ing ~~one (1) year~~ one hundred eighty (180) days or be both so fined and imprisoned.

(E) Each day during or upon which a ~~such~~ violation ~~is committed or permitted to continue~~ occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

(F) The classification of offenses in section 9.18.010 of the Olathe Municipal Code applies to this Chapter.”

SECTION TWO: Section 6.18.100 of the Olathe Municipal Code is hereby amended to read as follows:

“6.18.100. Manner of Enforcement.

Violation of this chapter shall be prosecuted in the same manner as other ~~misdemeanor~~ violations of the eCity’s code; provided, however, that in the event of violation of Sections 6.18.060 and 6.18.070, a written notice of intention to prosecute will be given to the alleged violator not less than ten (10) calendar days prior to the issuance of a ~~misdemeanor~~ complaint. No complaint shall be issued in the event the cause of the violation is removed, the condition abated or fully corrected within such ten (10) day period. In the event the alleged violator cannot be located in order to serve the notice of intention to prosecute, the notice as required herein shall be deemed to be given upon mailing such notice by registered or certified mail to the alleged violator at his or her last known address or at the place where the violation occurred, in which event the ten (10) day period shall commence on the date of the day following the receipt of such notice.

SECTION THREE: Existing Sections 6.18.090 and 6.18.100 are hereby repealed.

SECTION FOUR: 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 _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

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.