

(Published in the Garden City Telegram on the 12th day of June, 2025)

ORDINANCE NO. 3015-2025

SUMMARY

On June 3, 2025, the City of Garden City, Kansas adopted Ordinance No. 3015-2025, regulating property maintenance and property nuisance violations within the City of Garden City, Kansas; incorporating by reference the 2018 International Property Maintenance Code, with certain omissions, deletions, modifications, additions, and amendments; prescribing additional regulations; providing certain penalties; repealing current Code Sections 18-130, 18-131, and 18-132 of Chapter 18 and replacing the same with amended versions of said code sections; repealing current Code Sections 38-1, 38-4, 38-5, 38-6, 38-7, 38-8, 38-9, 38-10, 38-11, 38-12, 38-64, and 38-93 of Chapter 38 and replacing the same with amended versions of said code sections; repealing current Code Sections 38-59, 38-60, 38-61, 38-62, 38-63, 38-65, 38-66, 38-87, 38-88, 38-89, 38-90, 38-91, 38-92, 38-113, 38-114, 38-115, 38-116, 38-117, 38-134, 38-135, 38-137, 38-138, 38-139, 38-140, 38-141, and 38-142 in their entirety and reserving said section numbers for future use; all to the Code of Ordinances of the City of Garden City, Kansas.

A complete copy of the ordinance may be viewed free of charge at www.garden-city.org or may be obtained from the City Clerk, at the City Administrative Center, 301 North Eighth Street, Garden City, Kansas 67846. This Ordinance Summary is certified that it is legally accurate and sufficient, by Jennifer V. Cunningham, City Attorney.

ORDINANCE NO. 3015-2025

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS REGULATING PROPERTY MAINTENANCE AND PROPERTY NUISANCE VIOLATIONS WITHIN THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH CERTAIN OMISSIONS, DELETIONS, MODIFICATIONS, ADDITIONS, AND AMENDMENTS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; REPEALING CURRENT CODE SECTIONS 18-130, 18-131, AND 18-132 OF CHAPTER 18 AND REPLACING THE SAME WITH AMENDED VERSIONS OF SAID CODE SECTIONS; REPEALING CURRENT CODE SECTIONS 38-1, 38-4, 38-5, 38-6, 38-7, 38-8, 38-9, 38-10, 38-11, 38-12, 38-64, AND 38-93 OF CHAPTER 38 AND REPLACING THE SAME WITH AMENDED VERSIONS OF SAID CODE SECTIONS; REPEALING CURRENT CODE SECTIONS 38-59, 38-60, 38-61, 38-62, 38-63, 38-65, 38-66, 38-87, 38-88, 38-89, 38-90, 38-91, 38-92, 38-113, 38-114, 38-115, 38-116, 38-117, 38-134, 38-135, 38-137, 38-138, 38-139, 38-140, 38-141, AND 38-142 IN THEIR ENTIRETY AND RESERVING SAID SECTION NUMBERS FOR FUTURE USE; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas, as follows:

SECTION 1. AMENDMENT. That Code Section 18-130 of Chapter 18, Article XIII of the Code of Ordinances is hereby amended to read as follows:

Section 18-130. Penalty.

- (a) Except as otherwise provided in this Article, a violation of any provisions of this Article is a Class C ordinance violation, punishable as provided in Chapter 1, Section 1-8 of the Code of Ordinances. In addition to such penalties and other remedies, the municipal judge or judge pro tempore may order the abatement of any and all conditions found to be in violation of this Article, to be carried out by the convicted person, the City, or both, whether jointly or alternatively. Any such abatement order may include an order to take any corrective action to eliminate a condition determined to be in violation, which shall include, but shall not be limited to, an order to repair, to clean up, to raze and remove, and to make safe and secure a building, structure, premises, or portions thereof. The municipal judge or judge pro tempore may also order any building, structure, premises, or portions thereof to be vacated in order to protect the health, property, safety, or welfare of the public or occupants thereof.

SECTION 2. AMENDMENT. That Code Section 18-131 of Chapter 18, Article XIII of the Code of Ordinances is hereby amended to read as follows:

Section 18-131. Property Maintenance Code adopted, incorporated by reference.

- (a) There is hereby incorporated by reference for the purpose of establishing minimum standards for the maintenance and occupancy of existing buildings, structures, and premises to protect public health, safety, and welfare within the corporate limits of the City of Garden City, Kansas, that certain property maintenance code known as the *2018 International Property Maintenance Code*, prepared and published in book form by the International Code Council, Incorporated, 4051 Flossmoor Road, Country Club Hills, IL

60478, hereinafter referred to as the "Property Maintenance Code", save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, added, or amended. One official copy of the Property Maintenance Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3015 -2025", with all sections or portions thereof intended to be omitted, deleted, modified, added or amended clearly marked to show any such omission, deletion, modification, addition, or amendment and to which shall be attached a copy of the associated incorporation ordinance and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the city charged with enforcement of the Property Maintenance Code shall be supplied, at the cost of the City, such number of official copies of said code, similarly marked, as may be deemed expedient. All references to the Property Maintenance Code as adopted and incorporated into the Code of Ordinances shall be in a form designating Section 18-131 followed in parenthesis followed by the section number of the Property Maintenance Code, as incorporated, e.g. Section 401.2 of the Property Maintenance Code Ordinance as adopted and incorporated shall be referred to as Section 18-131(401.2).

SECTION 3. AMENDMENT. That Code Section 18-132 of Chapter 18, Article XIII of the Code of Ordinances is hereby amended to read as follows:

Section 18-132. Amendments, Omissions, and Additions to the Property Maintenance Code.

(a) **AMENDMENT.** Section 101.1 of the Property Maintenance Code, also referred to as Section 18-131(101.1) of the Code, is hereby amended to read as follows:

Section 101.1. Title.

(a) These regulations shall be known as the *Property Maintenance Code*, as incorporated by reference by Section 18-132 and may be referred to therein as "this code".

(b) **AMENDMENT.** Section 103.5 of the Property Maintenance Code, also referred to as Section 18-131(103.5) of the Code, is hereby amended to read as follows:

Section 103.5. Fees.

(a) Any fees required or referenced by the Property Maintenance Code shall be governed by applicable fee provisions set forth elsewhere in the Code of Ordinances, regardless of whether such provisions expressly reference the Property Maintenance Code.

(c) **AMENDMENT.** Section 107.1 of the Property Maintenance Code, also referred to as Section 18-131(107.1) of the Code, is hereby amended to read as follows:

Section 107.1. Notice to person responsible.

(a) Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code.

(d) **AMENDMENT.** Section 108.6 of the Property Maintenance Code, also referred to as Section 18-131(108.6) of the Code, is hereby amended to read as follows:

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Section 108.6. Abatement methods.

(a) The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action, subject to Section 18-131(108.8).

(e) **ADDITION.** New Section 108.8 of the Property Maintenance Code, also referred to as Section 18-131(108.8) of the Code, is hereby added as follows:

Section 108.8. Applicability to structures governed by other code provisions.

(a) When a structure is deemed unsafe, unfit, or dangerous by the code official or enforcing officer pursuant to Chapter 18, Article VIII of the Code of Ordinances, any condemnation proceedings and related orders to repair, demolish, remove, or otherwise abate such structure shall be governed by the provisions of Article VIII. Notwithstanding the foregoing, the provisions of Section 18-131(108) may apply concurrently, to the extent they do not conflict with Article VIII. In the event of a conflict between Section 18-131(108) and Article VIII, the provisions of Article VIII shall control.

(f) **AMENDMENT.** Section 110.1 of the Property Maintenance Code, also referred to as Section 18-131(110.1) of the Code, is hereby amended to read as follows:

Section 110.1. General.

(a) The demolition and removal of any structure pursuant to an order of the code official shall be governed exclusively by Chapter 18, Article VIII of the Code of Ordinances.

(g) **OMISSION.** Section 110.2 of the Property Maintenance Code, also referred to as Section 18-131(110.2) of the Code, is hereby omitted.

(h) **OMISSION.** Section 110.3 of the Property Maintenance Code, also referred to as Section 18-131(110.3) of the Code, is hereby omitted.

(i) **OMISSION.** Section 110.4 of the Property Maintenance Code, also referred to as Section 18-131(110.4) of the Code, is hereby omitted.

(j) **AMENDMENT.** Section 111.1 of the Property Maintenance Code, also referred to as Section 18-131(111.1) of the Code, is hereby amended to read as follows:

Section 111.1 Application for appeal.

(a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Safety Board of Appeals established by the City pursuant to Section 18-111 of the Code of Ordinances, which shall be referred to herein as the "board of appeals", provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(k) **OMISSION.** Section 111.2 of the Property Maintenance Code, also referred to as Section 18-131(111.2) of the Code, is hereby omitted.

(l) **OMISSION.** Section 111.2.1 of the Property Maintenance Code, also referred to as Section 18-131(111.2.1) of the Code, is hereby omitted.

(m) **OMISSION.** Section 111.2.2 of the Property Maintenance Code, also referred to as Section 18-131(111.2.2) of the Code, is hereby omitted.

(n) **OMISSION.** Section 111.2.3 of the Property Maintenance Code, also referred to as Section 18-131(111.2.3) of the Code, is hereby omitted.

(o) **OMISSION.** Section 111.2.4 of the Property Maintenance Code, also referred to as Section 18-131(111.2.4) of the Code, is hereby omitted.

(p) **OMISSION.** Section 111.2.5 of the Property Maintenance Code, also referred to as Section 18-131(111.2.5) of the Code, is hereby omitted.

(q) **OMISSION.** Section 111.3 of the Property Maintenance Code, also referred to as Section 18-131(111.3) of the Code, is hereby omitted.

(r) **OMISSION.** Section 111.4 of the Property Maintenance Code, also referred to as Section 18-131(111.4) of the Code, is hereby omitted.

(s) **OMISSION.** Section 111.4.1 of the Property Maintenance Code, also referred to as Section 18-131(111.4.1) of the Code, is hereby omitted.

(t) **OMISSION.** Section 111.5 of the Property Maintenance Code, also referred to as Section 18-131(111.5) of the Code, is hereby omitted.

(u) **OMISSION.** Section 111.6 of the Property Maintenance Code, also referred to as Section 18-131(111.6) of the Code, is hereby omitted.

(v) **OMISSION.** Section 111.6.1 of the Property Maintenance Code, also referred to as Section 18-131(111.6.1) of the Code, is hereby omitted.

(w) **OMISSION.** Section 111.6.2 of the Property Maintenance Code, also referred to as Section 18-131(111.6.2) of the Code, is hereby omitted.

(x) **OMISSION.** Section 111.7 of the Property Maintenance Code, also referred to as Section 18-131(111.7) of the Code, is hereby omitted.

(y) **OMISSION.** Section 111.8 of the Property Maintenance Code, also referred to as Section 18-131(111.8) of the Code, is hereby omitted.

(z) **AMENDMENT.** Section 112.4 of the Property Maintenance Code, also referred to as Section 18-131(112.4) of the Code, is hereby amended to read as follows.

Section 112.4 Stop work orders.

(a) Upon notice from the code official that any work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop work order, except such work as that person

is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C violation and punished as provided in Section 18-3 of the Code of Ordinances.

(aa) **AMENDMENT.** Section 302.4 of the Property Maintenance Code, also referred to as Section 18-131(302.4) of the Code, is hereby amended to read as follows.

Section 302.4 Weeds.

(a) Weed violations shall be governed exclusively by Chapter 38, Article III of the Code of Ordinances.

(bb) **OMISSION.** Section 304.14 of the Property Maintenance Code, also referred to as Section 18-131(304.14) of the Code, is hereby omitted.

(cc) **AMENDMENT.** Section 602.3 of the Property Maintenance Code, also referred to as Section 18-131(602.3) of the Code, is hereby amended to read as follows.

Section 602.3 Heat supply.

(a) Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms, except as follows:

- (1) When the outdoor temperature is below the winter outdoor design temperature for the locality, as indicated in Appendix D of the Plumbing Code, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity; or
- (2) In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(dd) **AMENDMENT.** Section 602.4 of the Property Maintenance Code, also referred to as Section 18-131(602.4) of the Code, is hereby amended to read as follows.

Section 602.4 Occupiable work spaces.

(a) Indoor occupiable work spaces shall be supplied with heat to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied. Exceptions: (1) Processing, storage and operation areas that require cooling or special temperature conditions; or (2) Areas in which persons are primarily engaged in vigorous physical activities.

SECTION 4. AMENDMENT. That Section 38-1 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-1. – Penalty.

(a) **VIOLATION.** No person shall violate any provision of this Chapter, including, but not limited, to the provisions of Section 38-6 (unlawful interference) and subsection (a) of Section 38-11 (failure to comply), except that a violation of Section 38-8 (courtesy letter) shall not be deemed a violation of this Chapter. Each day during which any such violation continues shall constitute a separate offense.

(b) **PENALTY.** A person who is convicted of a violation of subsection (a) shall be sentenced as follows:

- (1) **FIRST CONVICTION.** On a first conviction, the person convicted shall be sentenced to imprisonment not to exceed six (6) months or a fine of at least \$100.00, or sentenced to both such imprisonment and fine, but in no event shall the person be fined in excess of \$1,000.00.
- (2) **SECOND CONVICTION.** On a second conviction, the person convicted shall be sentenced to imprisonment not to exceed six (6) months or a fine of at least \$300.00, or sentenced to both such imprisonment and fine, but in no event shall the person be fined in excess of \$1,000.00.
- (3) **THIRD OR SUBSEQUENT CONVICTION.** On a third or subsequent conviction, the person convicted shall be sentenced to imprisonment not to exceed six (6) months or a fine of at least \$500.00, or sentenced to both such imprisonment and fine, but in no event shall the person be fined in excess of \$1,000.00.

SECTION 5. AMENDMENT. That Section 38-4 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-4. – Designation of Enforcing Officer.

- (a) Any Code Compliance Officer of the Neighborhood & Development Services department of the City is hereby designated as the public officer charged with the administration and enforcement of this Chapter on behalf of the Governing Body. The authority of the public officer shall include, but not be limited to, investigating violations, issuing orders of violation, serving letters, orders, notices, and complaints and notices to appear, abating unlawful conditions, and entering onto property for such purposes. The public officer, or the Director or Assistant Director of the Neighborhood & Development Services department, is further authorized to designate one or more City employees to assist with the service of letters, orders, notices, and complaints and notices to appear pursuant to this Chapter.

SECTION 6. AMENDMENT. That Section 38-5 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-5. – Right of Entry.

- (a) The investigation of any unlawful condition pursuant to this Chapter shall be carried out by the public officer from a public vantage point or other location where the public officer has a lawful right to be and shall be carried out in a manner consistent with this Chapter and applicable law.
- (b) The public officer and any designee authorized pursuant to Section 38-4 are hereby authorized to enter onto private property at all reasonable hours for purposes of serving letters, orders, notices, and complaints and notices to appear in a manner consistent with this Chapter and applicable law.
- (c) The public officer and any City employees, contractors, and agents authorized to perform abatements pursuant to subsection (b)(1) of Section 38-11 are hereby authorized to enter onto private property at all reasonable hours for purposes of abating any unlawful condition, in a manner consistent with the authority granted under said subsection.

SECTION 7. AMENDMENT. That Section 38-6 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-6. – Unlawful Interference.

- (a) It shall be unlawful for any person to knowingly interfere with, obstruct, resist, or oppose the public officer or any designee thereof, in the performance of any duty under this Chapter, including, but not limited to, the entry onto property for the investigation of violations, the service of any letters, orders, notices, or complaints and notices to appear, or the abatement of unlawful conditions.
- (b) It shall be unlawful for any person to knowingly interfere with, obstruct, resist, or oppose any City employee, contractor, or agent in the abatement of any unlawful condition or conditions authorized under this Chapter.

SECTION 8. AMENDMENT. That Section 38-7 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-7. – Investigation.

- (a) The public officer shall have the discretion to investigate any alleged violation of this Chapter by inspecting the subject property and conducting any inquiries the officer deems appropriate, regardless of whether the allegation originates from a member of the public, a City elected official or employee, or the officer’s own observation.

SECTION 9. AMENDMENT. That Section 38-8 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-8. – Courtesy Letter.

- (a) **ISSUANCE.** Upon completion of an investigation pursuant to Section 38-7 and upon a determination by the public officer that one or more unlawful conditions exist in violation of Section 38-58 (unlawful motor vehicle conditions), Section 38-86 (unlawful other personal property conditions), Section 38-111 (unlawful weed conditions), or Section 38-136 (unlawful environmental conditions), the public officer shall issue a courtesy letter in accordance with the provisions of this section. The courtesy letter shall be directed to the property owner or the owner’s agent, and, if applicable, to any occupant of the property. The courtesy letter shall request the abatement, removal, or correction of such condition or conditions within the applicable courtesy period and shall conform to all other applicable requirements of this section.
- (b) **COURTESY PERIOD.** For purposes of this Chapter, the time period, within which an unlawful condition or conditions must be abated, removed, or corrected in order to avoid the issuance of an order of violation shall be referred to as the “courtesy period”. The courtesy periods shall begin on the date the courtesy letter is mailed. The courtesy periods may be extended pursuant to subsection (c). The applicable courtesy periods are established as follows:

- (1) **Motor Vehicles (Ch. 38, Art. II, Div. 2)** 15 days
- (2) **Other Personal Property (Ch. 38, Art. II, Div. 3)** 15 days
- (3) **Weeds (Ch. 38, Art. III)** 15 days
- (4) **Environmental (Ch. 38, Art. IV)** 15 days

- (c) **EXTENSIONS.** The public officer may grant one or more extensions to the applicable courtesy period if the property owner, the owner’s agent, or, if applicable, to any occupant of the property demonstrates to the satisfaction of the public officer that due diligence is being exercised in the abatement, removal, or correction of the unlawful

condition or conditions, but only upon the condition that such person submits the request for an extension in writing, or otherwise communicates the request, to the Public Officer prior to the expiration of the applicable courtesy period. The granting of an extension shall toll the applicable courtesy period until the expiration of the extended deadline. The public officer shall document any extensions within the Neighborhood and Development Services Department's community development and permit management system. Written notice of the extension to each recipient of the courtesy letter shall not be required; however, the public officer shall provide verbal notice or other informal communication of the extension to each such recipient.

(d) **CONTENTS OF LETTER.** The courtesy letter shall include, at a minimum, information and statements substantially conforming to the following:

- (1) A citation reference to the specific section of City Code violated from Section 38-58 (unlawful motor vehicle conditions), Section 38-86 (unlawful other personal property conditions), Section 38-111 (unlawful weed conditions), or Section 38-136 (unlawful environmental conditions);
- (2) A general description of the condition or conditions determined by the public officer to constitute unlawful conditions giving rise to a violation;
- (3) A statement that the recipient must, prior to the expiration of the courtesy period, abate, remove, or correct the unlawful condition or conditions, expressed in substantially the following form:

"You are hereby ordered, prior to the expiration of the courtesy period, to abate, remove, or correct the unlawful condition(s)."

- (4) A statement specifying the length of the courtesy period, as prescribed by subsection (b) based on the type or category of violation, and identifying the date on which such period will expire, expressed in substantially the following form:

"Your compliance period is ___ days and will expire on the ___ day of _____, _____."

- (5) A statement that failure to abate, remove, or correct the unlawful condition or conditions prior to the expiration of the applicable courtesy period may result in the issuance of an order of violation pursuant to Section 38-9, expressed in substantially the following form:

"Be advised that if you fail to abate, remove, or correct the unlawful condition(s) before the courtesy period expires, then an order of violation may be issued against you pursuant to Section 38-9 of the City Code."

- (6) Contact information for the public officer who can address questions or concerns regarding the order of violation.

SECTION 10. AMENDMENT. That Section 38-9 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-9. – Order of Violation.

- (a) **ISSUANCE.** Upon completion of an investigation pursuant to Section 38-6 and a determination of noncompliance following the issuance of a courtesy letter under Section

38-8, the public officer may, in their discretion, issue an order of violation in accordance with the provisions of this section. The order shall be directed to the property owner or the owner’s agent, and, if applicable, to any occupant of the property. The order shall command the abatement, removal, or correction of any condition or conditions determined by the public officer to be in violation within the applicable compliance period and shall conform to all other applicable requirements of this section. Nothing in this Chapter shall be construed to limit, restrict, or prohibit the City from including in an order of violation any additional condition or conditions determined by the public officer to exist at the time of issuance, regardless of whether such condition was identified in a previously issued courtesy letter.

(1) **EXCEPTION – ANNUAL NOTICE FOR WEED VIOLATIONS.** Notwithstanding subsection (a), if an initial order of violation has been issued and served in accordance with this section for a weed violation under Chapter 38, Article III, then no additional orders of violation shall be required for any subsequent weed violations occurring on the same property within the same calendar year. For purposes of this Chapter, the term “calendar year” means the period beginning January 1 and ending December 31 of the same year. The purpose of this subsection is to clarify that the City is authorized to abate any such subsequent weed violations without further notice to the property owner, the owner’s agent, or any occupant of the property.

(b) **COMPLIANCE PERIODS.** For purposes of this Chapter, the time periods, within which an unlawful condition or conditions must be abated, removed, or corrected or within which a request for a hearing before the Governing Body must be submitted shall be referred to as “compliance periods”. The compliance periods shall begin on the date the order of violation is mailed. The compliance periods are subject to extension pursuant to subsection (c). The applicable compliance periods are established as follows:

- (1) **Motor Vehicles (Ch. 38, Art. II, Div. 2)** 10 days
- (2) **Other Personal Property (Ch. 38, Art. II, Div. 3)** 10 days
- (3) **Weeds (Ch. 38, Art. III)** 5 days
- (4) **Environmental (Ch. 38, Art. IV)** 10 days

(c) **EXTENSIONS.** The public officer shall grant one or more extensions to the applicable compliance period if the property owner, the owner’s agent, or, if applicable, to any occupant of the property demonstrates to the satisfaction of the public officer that due diligence is being exercised in the abatement, removal, or correction of the unlawful condition or conditions, but only upon the condition that such person submits the request for an extension in writing, or otherwise communicates the request, to the Public Officer prior to the expiration of the applicable compliance period. The granting of an extension shall toll the applicable compliance period until the expiration of the extended deadline. The public officer shall document any extensions within the Neighborhood and Development Services Department’s community development and permit management system. Written notice of the extension to each recipient of the order of violation shall not be required; however, the public officer shall provide verbal notice or other informal communication of the extension to each such recipient.

(d) **SERVICE.** The public officer, or any designee thereof, shall serve the order of violation upon the property owner or the owner’s agent, and, if applicable, to any occupant of the property, by one of the following methods, unless an alternative method is authorized by subsection (e):

- (1) Certified mail, return receipt requested, to the last known address of the recipient;
or

- (2) Personal service.
- (e) **ALTERNATIVE SERVICE METHODS.** If the recipient has failed to accept delivery or has otherwise failed to effectuate receipt of an order of violation during the preceding twenty-four (24) month period, then the order of violation may be served by alternative methods as set forth below:
- (1) **OCCUPIED PROPERTY OR RESIDENT OWNER.** For property that is occupied or in which the owner is a resident, authorized service methods include, but are not limited to:
- (i) Placement of a door hanger;
 - (ii) Conspicuously posting a copy of the order on the main entrance or another visible location on the property;
 - (iii) Personal notification;
 - (iv) Telephone communication;
 - (v) First-class mail; or
 - (vi) Electronic means.
- (2) **UNOCCUPIED PROPERTY AND NONRESIDENT OWNER.** For property that is both unoccupied and in which the owner is a nonresident, authorized service methods shall be limited to:
- (i) Telephone communication; or
 - (ii) First-class mail.
- (f) **CONTENTS OF ORDER.** The order of violation shall include, at a minimum, information and statements substantially conforming to the following:
- (1) A citation reference to the specific section of City Code violated from Section 38-58 (unlawful motor vehicle conditions), Section 38-86 (unlawful other personal property conditions), Section 38-111 (unlawful weed conditions), or Section 38-136 (unlawful environmental conditions);
 - (2) A general description of the condition or conditions determined by the public officer to constitute unlawful conditions giving rise to a violation;
 - (3) A statement that the recipient must, prior to the expiration of the applicable compliance period, either abate, remove, or correct the unlawful condition or conditions or request a hearing before the Governing Body, expressed in substantially the following form:

“You are hereby ordered, prior to the expiration of the compliance period, to either: (1) abate, remove, or correct the unlawful condition(s); or (2) request a hearing before the Governing Body.”
 - (4) A statement specifying the length of the applicable compliance period, as prescribed by subsection (b) based on the type or category of violation, and identifying the date on which such period will expire, expressed in substantially the following form:

“Your compliance period is ___ days and will expire on the ___ day of _____, ____.”

- (5) A statement that failure to abate, remove, or correct the unlawful condition or conditions or to request a hearing prior to the expiration of the applicable compliance period may result in abatement of the unlawful condition or conditions by the City pursuant to subsection (b)(1) of Section 38-11, prosecution in the Garden City Municipal Court pursuant to subsection (b)(2) of Section 38-11, or both, expressed in substantially the following form:

“Be advised that if you fail to abate, remove, or correct the unlawful condition(s) or fail to request a hearing before the compliance period expires, then the City may abate the unlawful condition(s) pursuant to Section 38-11(b)(1) of the City Code, pursue prosecution in the Garden City Municipal Court pursuant to Section 38-11(b)(2) of the City Code, or both.”

- (6) A statement advising that a request for a hearing before the Governing Body shall be submitted in writing to the City Clerk, received prior to the expiration of the applicable compliance period, and include the basis for contesting the order of violation. The statement shall also advise that failure to submit a timely request shall constitute a waiver of such person’s right to contest the findings of the public officer before the Governing Body, expressed in substantially the following form:

“If you wish to request a hearing before the Governing Body, your request must be submitted in writing to the City Clerk, received before the compliance period expires, and must include your basis for contesting this order of violation. Failure to do so will result in a waiver of your right to contest the findings of the Code Compliance Officer before the Governing Body.”

- (7) A statement that, if the City undertakes abatement of the unlawful condition or conditions, then all costs incurred will be assessed and collected in the manner provided by Section 38-12, expressed in substantially the following form:

“Be further advised that if the City abates the unlawful condition(s), you will be responsible for all related costs, which must be paid within thirty (30) days of receiving written notice. If unpaid, the City may pursue recovery of the costs as a personal debt, assess them against the property as a special assessment, or pursue both methods until the full amount is recovered, pursuant to Section 38-12 of the City Code.”

- (8) For weed violations under Chapter 38, Article III, a statement that only one written notice of violation will be provided by the City per calendar year and that no further notice will be given prior to the removal of weeds from the same property within that same calendar year, expressed in substantially the following form:

“For weed violations, be advised that this is your only order of violation for the remainder of the calendar year. No additional orders or notices will be issued prior to the City’s removal of weeds from the property during this period.”

- (9) Contact information for the public officer who can address questions or concerns regarding the order of violation.

SECTION 11. AMENDMENT. That Section 38-10 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-10. – Hearing Request; Procedure; Appeal.

- (a) **REQUEST FOR HEARING.** Only a person to whom an order of violation has been issued under Section 38-9 may request a hearing. Any such request shall be submitted in writing to the City Clerk and received prior to the expiration of the applicable compliance period. Failure to submit a timely request shall constitute a waiver of such person's right to contest the findings of the public officer before the Governing Body. Any such request shall include the basis for contesting the order of violation.
- (b) **TOLLING OF COMPLIANCE PERIOD.** The timely submission of a hearing request in compliance with this section shall toll the applicable compliance period until the Governing Body renders a final decision on the matter.
- (c) **HEARING PROCEDURE - SCHEDULING.** Upon receipt of a timely request for a hearing, the City Clerk shall schedule the hearing to be held at a regularly scheduled public meeting of the Governing Body within thirty (30) days of the request. The hearing may be continued by the Governing Body upon a showing of good cause, whether at the request of the public officer or the requesting party. The City shall provide the requesting party with written notice of the time and place of any hearing, including any continuance thereof, not less than fourteen (14) days in advance thereof.
- (d) **HEARING PROCEDURE – CONDUCT OF PROCEEDINGS.** Hearings shall be conducted in a fair and impartial manner, affording both the requesting party and the City a full opportunity to present testimony, offer evidence, and make argument. The Mayor shall preside over the hearing as chairperson, with the assistance and counsel of the City Attorney or Assistant City Attorney. The Mayor shall not be bound by the formal rules of evidence but shall allow the introduction of all testimony and evidence having reasonable probative value. No informality in the proceedings, or in the manner of receiving testimony or evidence, shall invalidate the Governing Body's final decision. Upon conclusion of the hearing, the Governing Body shall determine the matter by adopting a resolution by majority vote. A copy of the resolution shall be served upon the requesting party by first-class mail or e-mail.
- (e) **APPEAL.** The final decision of the Governing Body may be appealed pursuant to subsection (d) of K.S.A. 60-2101, and any amendments thereto. Only a requesting party who appeared at the hearing may make such appeal.

SECTION 12. AMENDMENT. That Section 38-11 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-11. – Failure to Comply.

- (a) **VIOLATION.** Any person to whom an order of violation has been issued and served pursuant to Section 38-9 shall be deemed in violation of Section 38-1 if the person, prior to the expiration of the compliance period specified in the order, neglects or fails to abate, remove, or correct all unlawful conditions identified in the order or to request a hearing before the Governing Body.
- (b) **REMEDIES.** In the event of such failure, the public officer may, in their discretion, pursue any one or more of the following remedies, in any order or combination, including simultaneously or sequentially:

- (1) **ABATEMENT.** The public officer may proceed with abatement of any or all conditions specified in the order, as follows:
 - (i) **UNLAWFUL WEED CONDITIONS.** For violations of Section 38-111 (unlawful weed conditions), the public officer may proceed immediately with abatement by utilizing City employees, contractors, or agents to cut or remove the weeds. No further notice to the property owner, the owner's agent, or any occupant of the property shall be required prior to such abatement, other than the notice provided in the courtesy letter pursuant to Section 38-8 and the order of violation pursuant to Section 38-9.
 - (ii) **ALL OTHER UNLAWFUL CONDITIONS.** For all other types of violations not specified in subsection (b)(1)(i), including, but not limited, to violations of Section 38-58 (unlawful motor vehicle conditions), Section 38-86 (unlawful other personal property conditions), or Section 38-136 (unlawful environmental conditions), the public officer may proceed with abatement only after obtaining approval from the Governing Body. To obtain such approval, the public officer shall submit the abatement matter as an agenda item for consideration by the Governing Body at a regularly scheduled public meeting. No specific form shall be required for such request. Upon approval, the public officer may proceed immediately with abatement by utilizing City employees, contractors, or agents to abate, remove, or correct the conditions described in the order of violation from the lot or parcel of ground, subject to any special directives of the Governing Body. No further notice to the property owner, the owner's agent, or any occupant of the property shall be required prior to such abatement, other than the notice provided in the courtesy letter pursuant to Section 38-8 and the order of violation pursuant to Section 38-9. For violations of Section 38-58 (unlawful motor vehicle conditions) and Section 38-86 (unlawful other personal property conditions), abatement may include the impoundment and sale of the subject personal property in accordance with applicable law, code, or ordinance.
- (2) **PROSECUTION.** The public officer may initiate prosecution by filing a complaint and notice to appear for prosecution in the Garden City Municipal Court, alleging a violation of the general penalty provision of Section 38-1, with specific reference to the violation defined in subsection (a) of this section. Any such violation shall be punishable as provided for in Section 38-1. Each day during which any such violation continues shall constitute a separate offense.

SECTION 13. AMENDMENT. That Section 38-12 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-12. – Assessment of Costs.

- (a) **NOTICE OF COSTS.** If the City abates a condition pursuant to Section 38-11, the City shall serve the property owner or the owner's authorized agent with written notice of the total cost of abatement incurred by the City, which shall be referred to as "notice of costs" for purposes of this Chapter. The notice of costs shall be sent by certified mail, return receipt requested. The notice shall state that payment is due and payable within thirty (30) days from the date of receipt. The costs shall be determined by the Director of the Neighborhood & Development Services directed and shall include, but not be limited to, any costs incurred in serving the notice of costs and the order of violation required by Section 38-9, including postage, and any labor costs required by Section 42-212. For violations of Section 38-58 (unlawful motor vehicle conditions), the total cost of

abatement costs shall be reduced in the amount of any proceeds received from the sale of a vehicle.

- (b) **COLLECTION METHODS.** If the costs identified in the notice of costs are not paid within thirty (30) days of receipt, then the City may collect such costs by one of the following methods, except as provided for in subsection (c):
- (1) **PERSONAL DEBT.** The City may pursue the collection of the unpaid costs as a personal debt, in accordance with the provisions of K.S.A. 12-1,115, and amendments thereto.
 - (2) **SPECIAL ASSESSMENT.** The City may assess the unpaid costs as a special assessment against the lot or parcel of ground on which the condition was located or in relation to in accordance with subsection (d) of K.S.A. 12-1617e, and amendments thereto. If the City elects to proceed by special assessment, the assessment shall be made in compliance with the special assessment provisions set forth in subsection (d) of K.S.A. 12-1617e, and amendments thereto, a summary of which is provided hereafter for ease of reference and shall not control in the event of conflict with such statutory procedures. To initiate the special assessment, the City Clerk shall certify all costs identified in the notice of costs at the time of certifying other city taxes. The County Clerk will then extend the assessment of costs on the tax roll of Finney County against the lot or parcel of ground and the County Treasurer will collect and remit the amount to the City in the same manner as other city taxes are collected and paid.
 - (3) **COMBINED COLLECTION.** The City may pursue both collection methods described above, but only until the full amount of the unpaid costs, including any applicable interest, has been recovered in full.
- (c) **CHANGE IN OWNER EXCEPTION – UNLAWFUL WEED CONDITIONS.** As required by K.S.A. 12-1617f, and amendments thereto, if the record ownership of a property changes after a notice of costs has been served but before full payment is made, then the City shall not recover or assess such costs against the property unless a notice of costs is also served on the new record owner.

SECTION 14. AMENDMENT. That Section 38-64 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-64. – Disposition of Vehicle.

- (a) Any motor vehicle which has been removed and impounded as provided in subsection (b)(1)(ii) of Section 38-11, such impoundment for 30 days or more, shall be disposed of in the following manner:
- (1) If such motor vehicle has displayed thereon a registration plate issued by the State Division of Vehicles, or a comparable agency in any other state, and has been registered with the division, the public officer shall mail a notice by certified mail to the registered owner thereof, addressed to the address as shown on the certificate of registration, and any lienholder of record, stating that if the owner or lienholder does not claim such motor vehicle, and pay the removal and storage charges incurred by the city on the vehicle within 15 days from the mailing of the notice, that the vehicle will be sold at public auction to the highest bidder for cash.
 - (2) After 15 days from date of notice, the public officer shall publish a notice once a week for two consecutive weeks in the official newspaper, which notice shall

describe the motor vehicle by name of maker, model, color, and serial number, and owner, if known, and state that the motor vehicle has been impounded by the city and that it will be sold at public auction to the highest bidder for cash, if the owner thereof does not claim the motor vehicle within ten days of the date of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the city.

- (3) If the motor vehicle does not display a registration plate issued by the division and is not registered with the division, the public officer, after 30 days from date of impoundment, may publish a notice once a week for two consecutive weeks in the official city newspaper, which notice shall describe the motor vehicle by name of maker, model, color, and serial number, and shall state that the motor vehicle has been impounded by the city and that it will be sold at public auction to the highest bidder for each, if the owner thereof does not claim the motor vehicle within ten days of the notice of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the city.
- (4) When the city has complied with the provisions of this section with respect to a motor vehicle which has been declared to be a nuisance, and has been removed and impounded, and the owner thereof does not claim the vehicle within the time stated in the notice and pay the removal and storage charges and publication costs incurred by the city on the motor vehicle, the city may sell the motor vehicle at public auction to the highest bidder for cash.
- (5) After any sale pursuant to this section, the city may file proof thereof with the division and the division shall issue a certificate of title to the purchaser of the motor vehicle. All funds derived from the sale of motor vehicles pursuant to this section, after payment of the expenses of the abatement, impoundment and sale, shall be paid into the general fund of the city.
- (6) Any person attempting to recover a motor vehicle impounded, shall show proof of valid registration and ownership of the motor vehicle, and pay any other fees incurred by the city for removal and storage of the motor vehicle, prior to release of the motor vehicle.

SECTION 15. AMENDMENT. That Section 38-93 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

Sec. 38-93. – Disposition of Personal Property.

- (a) Any personal property which has been removed and impounded as provided in subsection (b)(1)(ii) of Section 38-11, such impoundment for 30 days or more, or any personal property determined to be abandoned and coming into the possession of the city, shall be disposed of in the following manner:
 - (1) The public officer shall mail a notice by first class mail to the owner of the personal property, stating that if the owner does not claim the personal property, and pay the removal and storage charges incurred by the city on the personal property within 15 days from the mailing of the notice, that the personal property will be sold at public auction to the highest bidder for cash.
 - (2) After 15 days from date of notice, the public officer shall publish a notice once a week for two consecutive weeks in the official newspaper, which notice shall describe the personal property as clearly as possible, with the name of the owner, if known, and state that the personal property has been impounded by the city and

that it will be sold at public auction to the highest bidder for cash, if the owner thereof does not claim the personal property within ten days of the date of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the city.

- (3) If the city cannot discern the owner of the personal property after reasonable and diligent search, the public officer, after 30 days from date of impoundment, may publish a notice once a week for two consecutive weeks in the official city newspaper, which notice shall describe the personal property as clearly as possible, and shall state that the personal property has been impounded by the city and that it will be sold at public auction to the highest bidder for each, if the owner thereof does not claim the personal property within ten days of the notice of the second publication of the notice and pay the removal and storage charges, and publication costs incurred by the city.
- (4) When the city has complied with the provisions of this division with respect to personal property which has been removed and impounded, and the owner thereof does not claim the personal property within the time stated in the notice and pay the removal and storage charges and publication costs incurred by the city on the personal property, the city may sell the personal property at public auction to the highest bidder for cash. All funds derived from the sale of personal property pursuant to this section, after payment of the expenses of the removal, impoundment and sale, shall be paid into the general fund of the city. In lieu of sale at a public auction, the city may dispose of abandoned bicycles through donation to any entity serving a public purpose.

SECTION 16. REPEAL & AMENDMENT. Sections 18-130, 18-131, and 18-132 of Chapter 18 and Sections 38-1, 38-4, 38-5, 38-6, 38-7, 38-8, 38-9, 38-10, 38-11, 38-12, 38-64, and 38-93 of Chapter 38, all of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, shall be and the same are hereby repealed, to be replaced as specified herein, upon the effective date of this Ordinance.

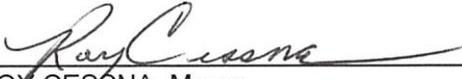
SECTION 17. REPEAL & RESERVATION. That Sections 38-59, 38-60, 38-61, 38-62, 38-63, 38-65, 38-66, 38-87, 38-88, 38-89, 38-90, 38-91, 38-92, 38-113, 38-114, 38-115, 38-116, 38-117, 38-134, 38-135, 38-137, 38-138, 38-139, 38-140, 38-141, and 38-142, all of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, shall be and the same are hereby repealed in their entirety and the section numbers reserved for future use, upon the effective date of this Ordinance.

SECTION 18. SEVERABILITY. If any chapter, article, division, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, for any reason, such holding shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Governing Body hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid. This severability provision shall apply, but not be limited, to any provisions of the Property Maintenance Code.

SECTION 19. HEADINGS; SECTION REFERENCES. The headings used in this Ordinance are intended for convenience of reference only and shall not affect the interpretation or construction of this Ordinance or any part hereof.

SECTION 20. EFFECTIVE DATE; PUBLICATION. This Ordinance shall take effect and be in full force and effect from and after the occurrence of all of the following: (a) its passage and signature; (b) publication of a summary of this Ordinance in The Garden City Telegram, the official city newspaper; and (c) publication of the full text of this Ordinance on the City's official website in accordance with subsection (b) of K.S.A. 12-3007.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas,
this 3rd day of June, 2025.



ROY CESSNA, Mayor

ATTEST:



CELYN N. HURTADO, City Clerk
KORI A. LONGORIA, Deputy City Clerk



APPROVED AS TO FORM AND CONTENT:



JENNIFER CUNNINGHAM, City Attorney