

SCANNED

AUG 14 2009

## RESOLUTION

NO. 213-00

DATE EFFECTIVE: \_\_\_\_\_

**A RESOLUTION AMENDING CHAPTER 19 OF THE *SEDGWICK COUNTY CODE*, PROVIDING FOR THE ENFORCEMENT OF VARIOUS CODES BY THE DEPARTMENT OF CODE ENFORCEMENT; DEFINING VIOLATIONS AND PROVIDING PENALTIES THEREFOR.**

**WHEREAS**, the Board of County Commissioners, upon study and recommendation of the Sedgwick County staff; and

**WHEREAS**, THE Board of County Commissioners is authorized and empowered to adopt resolutions pursuant to *K.S.A. 19-101(Sixth)*, *K.S.A. 19-212(Thirteenth)* and *K.S.A. 19-4701 et seq.*; and

**WHEREAS**, the Board of County Commissioners has determined the need to amend Chapter 19, of the *Sedgwick County Code*, and define violations thereof and provide penalties therefor.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that:**

### **SECTION 1: AMENDMENTS TO CHAPTER 19**

**1. Chapter 19 of the Sedgwick County Code is amended by the addition of the following sections and shall read as follows:**

#### **Section 19-2. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bulky waste* means discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building demolition debris, parts of machinery and equipment and similar waste not ordinarily collected with compactor equipment.

*County* means all of the county other than the land areas within cities.

*Inoperable vehicle* means any motor vehicle which because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts cannot be operated in a normal and safe

manner. Any vehicle which has been inoperative for a period of ten (10) days shall constitute a prima facie presumption that such vehicle is inoperable.

*Premises* means a lot, plot or parcel of land, including structures located thereon.

*Property* means any real property within the county which is not a street or highway.

*Refuse* means all putrescible and nonputrescible waste materials such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals and solid industrial waste, but shall not include human or animal excrement.

*Salvage yard* means any premises used for:

- (1) Storage or sale or resale of used merchandise;
- (2) The disassembly of wrecked or used automobiles for the reuse or sale of automobile parts; or
- (3) The storage or sale of various kinds of metal or used building materials.

**Section 19-3. Activities or conditions prohibited; enumeration.** It is unlawful for any person to maintain or to permit to maintain any activity or condition as described in this section.

(1) Open basement structures, excavations, swimming pools, storm cellars, industrial tanks or other excavations or structures that collect water or produce mosquito infestation or that creates health or safety hazards;

(2) Refuse not stored or properly confined and regularly disposed of in a manner approved by the health officer. Proper storage of refuse shall consist of watertight, flytight containers with flytight covers. Disposal of such refuse will be made on a weekly basis or as often as required in order to prevent the creation of a nuisance.

(3) Salvage material, junk, bulky waste, or other material on residential premises or vacant lots in residential areas, except as provided for in Section 14-155;

(4) Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, toolhouses, vacant houses or commercial structures which have become so dilapidated and deteriorated as to result in a potential accident hazard, to provide rat harborage, to create an attractive nuisance for children or to be offensive to the senses; and

(5) Inoperable or abandoned vehicles permitted, parked or stored or left on any private property in the county, unless such vehicle is completely enclosed within a building or unless the

vehicle is so stored or parked on private property in connection with a law when such parking or storing of a vehicle is necessary to the operation of a business or commercial enterprise.

**Sec. 19-4. Enforcement and penalties.**

(a) This Article is enforceable under chapter 8. Any code enforcement officer or law enforcement officer being duly authorized and having jurisdiction in the county may issue a uniform complaint and notice to appear to any person violating a county code or resolution of the county, when such code or resolution provides for enforcement by prosecution through county court.

(b) Violations of this article are punishable as provided for in Section 1-8.

(c) Violations listed in Section 19-3 are class F violations as described in Section 8-5(a).

**Sec. 19-5. Other remedies unaffected.**

Nothing in this Article shall be construed to limit or forbid the County or any other person from pursuing any other remedies available at law or in equity to enforce the provisions of this Article.

**SECTION 2: EFFECTIVE DATE**

This resolution shall take upon its publication once in the official county newspaper.

Commissioners present and voting were:

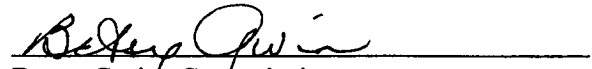
BETSY GWIN	<u>aye</u>
BILL HANCOCK	<u>no</u>
THOMAS G. WINTERS	<u>no</u>
CAROLYN MCGINN	<u>aye</u>
BEN SCIORTINO	<u>aye</u>

DATED this 20<sup>th</sup> day of December, 2000.


BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

\_\_\_\_\_  
Thomas G. Winters, Chairman

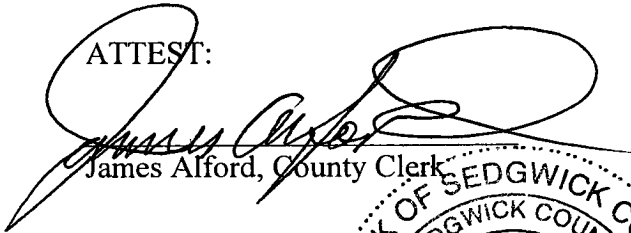
  
\_\_\_\_\_  
Carolyn McGinn, Chair Pro-Tem

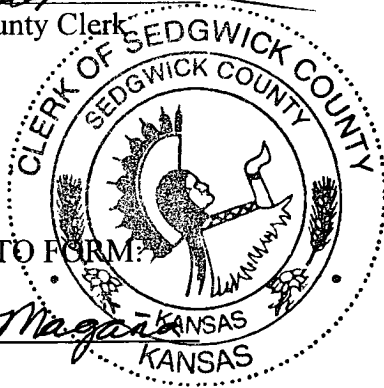
  
\_\_\_\_\_  
Betsy Gwin, Commissioner

  
\_\_\_\_\_  
Bill Hancock, Commissioner

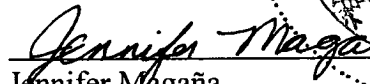
  
\_\_\_\_\_  
Ben Sciortino, Commissioner

ATTEST:

  
James Alford, County Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jennifer Magaña  
Assistant County Counselor

STATE OF KANSAS )

ss.

County of Sedgwick )

Lotha Stephenson, being first  
duly sworn, Deposes and says: That he/she is  
Legal Manager of

**THE DAILY REPORTER**

a daily newspaper printed in the State of Kansas,  
and published in and of general circulation in  
Sedgwick County, Kansas, with a general paid  
circulation on a daily basis in Sedgwick County,  
Kansas, and that said newspaper is not a trade,  
religious or fraternal publication.

Said newspaper is a daily published Monday  
through Friday, and has been so published con-  
tinuously and uninterrupted in said county and  
state for a period of more that five years prior to  
the first publication of said notice, and has been  
admitted at the post office of Derby, Kansas, in  
said county as second class matter.

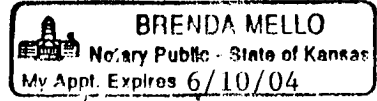
That the attached notice is a true copy there-  
of and was published in the regular and entire  
issue of said newspaper for 1 consecu-  
tive week the first publication thereof being  
made as aforesaid on the 18th day  
of January, 2001, with subse-  
quent publications being made on the following  
dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lotha M. Stephenson

Subscribed and sworn to before me this  
19th day of January, 2001

Brenda Mello  
Notary Public



Printer's fee \$ 76.50

Additional copies \$ \_\_\_\_\_

SG01-009 (First Published in The Daily  
Reporter, January 18, 2001)

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  - BILL HANCOCK
  - THOMAS G. WINTERS
  - CAROLYN MCGINN
  - BEN SCIORTINO

DATED this 20th day of December, 2000.

**BOARD OF COUNTY COMMISSIONERS**  
**OF SEDGWICK COUNTY, KANSAS**  
Thomas G. Winters, Chairman  
Carolyn McGinn, Chair Pro-Tem  
Betsy Gwin, Commissioner  
Bill Hancock, Commissioner  
Ben Sciortino, Commissioner

ATTEST:  
James Alford, County Clerk  
Jennifer Magaña  
Assistant County Counselor  
(J18)