

Chapter 7.01
CODE ENFORCEMENT - GENERALLY

Sections:

- 7.01.100 Authorized Actions.
- 7.01.200 Required Registration for Problem Properties.

7.01.100 Authorized Actions.

The Code Official, or, where appropriate, the Governing Body, is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other ordinances of the City. Those actions include, without being limited to, abatement of the violation; vacation of the premises until the violation is corrected; prohibition of occupancy of the premises until the violation is corrected; issuance of a Notice to Appear in Municipal Court; injunctive or other relief in the District Court of Johnson County; suspension or revocation of any City licenses pertaining to the premises that remain in violation, and any other necessary or appropriate actions authorized by any applicable law, ordinance, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the code official or Governing Body may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of Section 7.26.230 shall be made applicable to this section and pursuant to those provisions and any other applicable laws, statutes, ordinances, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The City Manager shall designate the department, division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the code official or code administrator.

(History: Ord. CCO-2243 §1, 2000)

7.01.200 Required Registration for Problem Properties.

The Director of Planning and Development Services is authorized to adopt written rules and regulations specifying the criteria for placing non-owner occupied property within a responsible party registration program for problem properties. These rules and regulations shall follow the general guidelines set forth in this section. Such properties shall include, without being limited to, properties where the owner or the accused has failed to appear at arraignment or trial, or that have been the subject of a prosecution in Municipal or District Court or a civil proceeding in any court of competent jurisdiction where, in the course of those judicial proceedings, a warrant for failure to appear in court, a contempt of court order, or any similar order reflecting the accused or owner's failure to comply with required court procedures or orders, was issued by the court. The rules and regulations shall provide for the inclusion in that program of properties where any code violation remains uncorrected after the completion of appropriate court proceedings initiated by the City or properties where a failure to correct outstanding violations of the Overland Park Municipal Code has resulted in the City being required to undertake action to abate the violation or vacate the subject property, or both. The rules and regulations shall contain appropriate procedures consistent with the requirements of due process governing the

Chapter 7.01

designation of property for inclusion in the program and an appeal process for any property owner aggrieved by such inclusion. No property subject to the requirements of this registration program may be operated as non-owner occupied property within the City, leased or rented to any tenant, or occupied in any manner by a tenant of any kind whatsoever, unless and until full compliance with the registration program has been certified by the City and all outstanding code violations have been corrected and all costs, charges, fees, court fines and costs and all other financial obligations to the City are satisfied in full. The rules and regulations shall include, at a minimum, the following matters: detailed requirements pertaining to the designation and definition of a responsible party who shall be obligated to keep the subject property in full compliance with all applicable code provisions; personal information pertaining to that responsible person, such as a residence address and phone number as well as documentation of sufficient identifying characteristics of that person to allow, if necessary, the issuance of a warrant for their arrest. The Director shall submit a copy of these proposed rules and regulations to the Community Development Committee not less than 30 days before their effective date. (History: Ord. CCO-2243 §1, 2000)

[Next Page is 7-200]