

Classifieds

Help Wanted

Hiring LPN's and RN's full time at Compassionate Care Center, a small intermediate care facility in Meade, KS, located in the southwestern area of Kansas. Weekend differential of \$2.00/hr with a base wage starting at \$14.00 - \$18.00/hr and increased with experience. Lodging provided, insurance benefits. Contact Shane Benham, D.O.N. at 620-873-2146. —3/8—3/12—

Public Notice

ORDINANCE NO. 1352

AN ORDINANCE RELATING TO HEALTH NUISANCES IN THE CITY OF COLBY, KANSAS; PROVIDING FOR NOTICE, PROVIDING FOR ABATEMENT BY THE CITY OF COLBY, AND PROVIDING FOR CHARGES THEREFORE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY KANSAS:

SECTION 1. NUISANCES UNLAWFUL; DEFINED. It shall be unlawful for any person to maintain or permit any nuisance within the City as defined, without limitation, as follows:

- Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
- All dead animals not removed within 24 hours after death;
- Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
- All stagnant ponds or pools of water;
- All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or any icebox or refrigerator not in actual use unless the door, opening or lid thereof is unhinged, or unfastened and removed therefrom;
- All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
- Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the City. (K.S.A. 21-4106-4107)

SECTION 2. PUBLIC OFFICER. The City Manager shall designate a public officer to be charged with the administration and enforcement of this Ordinance.

SECTION 3. COMPLAINTS; INQUIRY AND INSPECTION. The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the Board of Health, Chief of Police, or the Fire Chief. The public officer may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection the public officer shall make a written report of findings.

SECTION 4. RIGHT OF ENTRY. The public officer has the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

SECTION 5. ORDER OF VIOLATION.

- The Governing Body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of Section 1, an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then service shall be made by mailing the order by certified mail, return receipt requested, to the last known address of the owner.
- If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (K.S.A. 12-1617e)

SECTION 6. SAME; CONTENTS. The order shall state the condition(s) which is (are) in violation of Section 1. The notice shall also inform the person, corporation, partnership or association that:

- He, she or they shall have 10 days from the date of serving the order to abate the condition(s) in violation of Section 1; or
- He, she or they have 10 days from the date of serving the notice to request a hearing before the Governing Body of the matter as provided by Section 9; and
- Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 7 and/or abatement of the condition(s) by the City as provided by Section 8.

SECTION 7. FAILURE TO COMPLY; PENALTY. Should the person, corporation, partnership or association fail to comply with the order to abate the nuisance or request a hearing the public officer may file a complaint in the Municipal Court of the City against such person, corporation, partnership or association and upon conviction of any violation of provisions of Section 1, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

SECTION 8. ABATEMENT. In addition to, or as an alternative to prosecution as provided in Section 7, the public officer may seek to remedy violations of this Ordinance in the following manner. If a person to whom an order has been served pursuant to Section 5 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 6, the public officer may present a resolution to the Governing Body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- Personal service upon the person in violation; or
- Certified mail, return receipt requested; or
- In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City Clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists; or
- If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.


SECTION 9. HEARING. If a hearing is requested within the 10-day period as provided in Section 6, such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the Governing Body. The hearing shall be held by the Governing Body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 8.

SECTION 10. COSTS ASSESSED. If the City abates or removes the nuisance pursuant to Section 8, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1.115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1.115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

SECTION 11. REPEALER. That all prior ordinances in conflict with this Ordinance are hereby repealed.

SECTION 12. This Ordinance shall be in full force and effect from and after its adoption and publication in the official City newspaper.

ADOPTED AND APPROVED by the Governing Body, this 2nd day of March, 2004.


Warren C. Hixson, Mayor

ATTEST:


Beverly J. Stiegh, City Clerk

SEAL

(Published in the Colby Free Press on March 8, 2004, 2004)

Help Wanted

Lang Diesel, Inc., is looking for an experienced farm equipment mechanic. Benefits include: BCBS health insurance, paid vacation/sick leave, cafeteria plan, and retirement plan. If interested, submit resume to: Lang Diesel, Inc., 1190 S. Country Club Dr., Colby, KS 67701. 785-462-2412. —2/25—3/8—

Public Notice

Help Wanted

Farm employee experienced with cattle, irrigation and dry land farming. 785-462-2279. —3/8—3/19—

Personal Assistant needed in Colby to work for an individual with disabilities in their home. Part time hours. Duties could include assistance with personal care, housekeeping, meal prep, etc. To apply call LINK at 1-800-569-5926. —3/5—3/10—

Work for yourself - never by yourself. Full support from a western Kansas mom. \$29 startup with money back guarantee. Call 785-672-5220 or http://stacy.kidsneeds.com —3/3—3/15—

Public Notice

ORDINANCE NO. 1353

AN ORDINANCE TO BE KNOWN AS THE "ENVIRONMENTAL CODE" RELATING TO UNSIGHTLY AND HAZARDOUS CONDITIONS IN THE CITY OF COLBY; PROVIDING FOR NOTICE, PROVIDING FOR ABATEMENT BY THE CITY OF COLBY, AND PROVIDING FOR CHARGES THEREFORE.

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

SECTION 1. TITLE. This Ordinance shall be known as the "Environmental Code."

SECTION 2. LEGISLATIVE FINDING OF FACT. The Governing Body has found that there exist within the City unsightly and hazardous conditions due to: dilapidation, deterioration or disrepair of walls, siding, fences or structure exteriors; accumulations increasing the hazards of accidents or other calamities; structural defects; uncleanness; unsightly stored or parked material, equipment, supplies, machinery, vehicles or parts thereof. Such conditions are inimical to the general welfare of the community in that they have a blighting influence on the adjoining properties, the neighborhood and the City, or are injurious to the health and safety of the residents of the City. The Governing Body desires to promote the public health, safety and welfare by the repair, removal, abatement, and regulation of such conditions in the manner hereafter provided.

SECTION 3. PURPOSE. The purpose of this Ordinance is to protect, preserve, upgrade, and regulate the environmental quality of industrial, commercial and residential neighborhoods in this City, by outlawing conditions which are injurious to the health, safety, welfare or aesthetic characteristics of the neighborhoods and to provide for the administration and enforcement thereof.

SECTION 4. RULES OF CONSTRUCTION. For the purpose of this Ordinance, the following rules of construction shall apply:

- Any part thereof - Whenever the words premises, structure, building or yard are used they shall be construed as though they were followed by the words "or any part thereof."
- Gender - Words of gender shall be construed to mean neuter, feminine or masculine, as may be applicable.
- Number - Words of number shall be construed to mean singular or plural, as may be applicable.
- Tense - Words of tense shall be construed to mean present or future, as may be applicable.
- Shall - The word shall is mandatory and not permissive.

SECTION 5. DEFINITIONS. The words and phrases listed below when used in this Ordinance shall have the following meanings:

- Abandoned Motor Vehicle - any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of the Ordinance; or incapable of moving under its own power; or in a junked or wrecked condition.
- Accessory Structure - a secondary structure detached from the principal structure but on the same premises, including, but not limited to, garages, sheds, barns, or outbuildings.
- Commercial or Industrial - used or intended to be used primarily for other than residential purposes.
- Dilapidation, Deterioration or Disrepair - shall mean any condition characterized by, but not limited to: holes, breaks, rot, decay, crumbling, cracking, peeling or flaking paint, rusting, or other evidence of physical damage, neglect, lack of maintenance, excessive use or weathering.
- Exterior - those parts of a structure which are exposed to the weather or subject to contact with the elements; including, but not limited to: sidings, facings, veneers, masonry, roofs, foundations, porches, screens, shutters, windows, doors or signs.
- Garbage - without limitation any accumulation of animal, fruit or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage, or use of foodstuffs.
- Person - any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.
- Premises - any lot, plot or parcel of land including the structures thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.
- Refuse - garbage and trash.
- Residential - used or intended to be used primarily for human habitation.
- Structure - anything constructed or erected which requires location on the ground or is attached to something having a location on the ground including any appurtenances belonging thereto.
- Trash - combustible waste consisting of, but not limited to: paper, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches and non-combustible waste consisting of, but not limited to: metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers, or street rubbish and sweepings.
- Weathered - deterioration caused by exposure to the elements.
- Yard - the area of the premises not occupied by any structure.

SECTION 6. PUBLIC OFFICER. The City Manager shall designate a public officer to be charged with the administration and enforcement of this Ordinance.

SECTION 7. ENFORCEMENT STANDARDS. No person shall be found in violation of this Ordinance unless the public officer, after a reasonable inquiry and inspection of the premises, believes that conditions exist of a quality and appearance not commensurate with the character of the neighborhood. Such belief must be supported by evidence of a level of maintenance significantly below that of the rest of the neighborhood. Such evidence shall include conditions declared unlawful under Section 8 but shall not include conditions which are not readily visible from any public place or from any surrounding private property.

SECTION 8. UNLAWFUL ACTS. It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the City For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:

- Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:
 - lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;
 - abandoned motor vehicles; or
 - furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property.
 - nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.
- Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated, or unsightly:
 - exteriors of any structure;
 - exteriors of any accessory structure; or
 - fences, walls, or retaining walls.

To place your classified ad, mail (155 W. Fifth), fax (785-462-7749), phone (785-462-3963), or stop by our office at 155 W. Fifth

Notices

Now open: S&K Gifts, 377 N. Franklin Ave., Colby. Come in and register for free gift certificates or visit us at s-kgifts.biz. Drawing to be held March 22 at 4:00 p.m. —3/8—3/12—

Cash for dead TV's/big screen TV's. We repair all brands, free estimates. 785-460-0416. —3/4—3/31—

Save America - vote Republican (Alvin H. Hale). —3/4—3/19—

Hate dial-up? A DircWay satellite connection can give you amazing speed without the dial-up hassle. Sunflower Satellite 462-9669. —3/1—3/26—

Public Notice

Notice

DirecTV satellite and local channels. Crystal clear digital picture, 120 channels for only \$36/mo. HBO, STARZ & Encore free. And ask us about getting the locals. Sunflower Satellite 462-9669. —3/1—3/26—

Apartments for Rent

Amber Waves Apartments. 1895 S. Franklin Ave.. 3 bedroom, washer and dryer hookup, very nice location. 785-460-8113, leave message. —3/3—3/24—

Nice 1 bedroom brick apartment with patio, all utilities and cable paid, free laundry. Call 462-3285 or 443-3472. —3/3—3/12—

Public Notice

SECTION 9. ORDER OF VIOLATION.

- The Governing Body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of Section 2, an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.
- If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. The order shall state:
 - The condition which has caused the violation of this Ordinance; and
 - That the person in violation shall have:
 - 15 days from the date of the mailing of the notice to alleviate the exterior conditions (yard) violation; and/or;
 - 45 days from the date of the mailing of the notice to alleviate the exterior conditions (structure) violation; or in the alternative to subsections a. and b. above,
 - 15 days from the date of the mailing of the notice to request, as provided in Section 12 a hearing before the Governing Body on the matter; and
 - That failure to alleviate the condition or to request a hearing may result in prosecution under Section 10 and/or abatement of the condition by the City according to Section 11 with the costs assessed against the property under Section 14. (K.S.A. 12-1617e)

SECTION 10. PENALTY. The public officer may file a complaint in the municipal court against any person found to be in violation of Section 8, provided however, that such person shall first have been sent an order as provided in Section 9 and that the person has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 9. Upon such complaint in the municipal court, any person found to be in violation of Section 8 shall upon conviction be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment, for not more than 30 days, or by both such fine and imprisonment, for each offense. For the purposes of this Ordinance, a separate offense shall be deemed committed on each day during or on which such violation is permitted to exist.

SECTION 11. ABATEMENT. In addition to, or as an alternative to prosecution as provided in Section 10, the public officer may seek to remedy violations of this Ordinance in the following manner. If a person to whom an order has been served pursuant to Section 9 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time periods specified in Section 9, the public officer may present a resolution to the Governing Body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the City be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 14.

A copy of the resolution shall be served upon the person in violation in one of the following ways:

- Personal service upon the person in violation;
- Certified mail, return receipt requested; or
- In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City Clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.
- If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

SECTION 12. HEARING BEFORE GOVERNING BODY. If a hearing is requested within the 15-day period as provided in Section 9, such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the Governing Body. The hearing shall be held by the Governing Body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 11.

SECTION 13. APPEALS. Any person affected by any determination of the Governing Body under Sections 11 or 12 may appeal such determination in the manner provided by K.S.A. 60-2101.


SECTION 14. COSTS ASSESSED. If the City abates or removes the nuisance pursuant to Section 11, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1.115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1.115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

SECTION 15. CONSTRUCTION. Nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its laws nor to prevent or punish violations thereof. The powers conferred by this Ordinance shall be in addition to and supplemental to the powers conferred by the Kansas Constitution, by any other law or by ordinance.

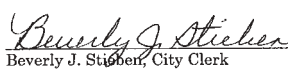
SECTION 16. REPEALER. That all prior ordinances in conflict with this Ordinance are hereby repealed.

SECTION 17. This Ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body, this 2nd day of March, 2004.


Warren C. Hixson, Mayor

ATTEST:


Beverly J. Stiegh, City Clerk

SEAL

(Published in the Colby Free Press on March 8, 2004.)

Houses for Rent	Houses for Rent	For Rent - Mobile Homes	Offices for Rent	Seed & Feed	Vehicles for Sale
5 bedroom , 2 bath, fenced yard, includes basement apartment. 462-7468 or 462-1047. —3/8—3/12—	Cute 2 bedroom house, stove and refrigerator provided, quiet neighborhood, deposit required. 462-6503. —3/4—3/22—	Large 2 bedroom , 1 1/2 bath, new carpet, strage shed included, \$275. Call 462-6527. —3/8—3/12—	Approximately 1,000 square feet , 3 offices, reception area, adequate parking. 462-2331. —5/12—tfn—	Jerry oats for sale. Excellent test weight, clean and ready to go, bag and bulk available. Call Reeves Services of Atwood. 800-222-6958. —3/3—3/26—	1987 Dodge Ram pickup with topper, \$1,200 O.B.O. 1992 Eagle Talon, 5 speed with sunroof, \$1,400 O.B.O. 1993 Aerostar, V-6, 5 speed, needs radiator, \$1,000 O.B.O. 785-462-6845. —3/8—3/12—
2 bedroom house with stove and refrigerator, privacy fence, W/D hook-ups. Available April 1st. Deposit required. 460-7244. —3/5—3/12—	2 bedroom home , fenced in yard, storage building. Call 462-3285 or 443-3472. —3/3—3/12—	2 bedroom , 1 bath, W/D, \$300/mo. 2 bedroom, 1 bath, new paint and carpet, \$200/mo. 462-7468 or 462-1047. —3/8—3/12—			
Cute 1 bedroom , 2 bath home, car-port. Call 462-3285 or 443-3472. -----3/3---3/12-----		Two bedroom mobile homes starting at \$425/month, utilities paid, nice location near park. Call 462-2126 for more information. —2/11—3/29—	Misc. for Sale	Childcare	1988 Chrysler LeBaron convertible, new engine, brakes, muffler, steering, good tires, \$1,000 O.B.O. 785-824-3486 evenings. —3/8—3/19—

Public Notice	Public Notice
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ORDINANCE NO. 1355

AN ORDINANCE RELATING TO THE CUTTING OF WEEDS AND VEGETATION; PROVIDING FOR NOTICE, PROVIDING FOR CUTTING OR DESTROYING BY THE CITY OF COLBY, AND PROVIDING FOR CHARGES THEREFORE, AND REPEALING ORDINANCE NO. 1263, DATED JUNE 3, 1997.

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

SECTION 1. WEEDS TO BE REMOVED. It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way, and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

SECTION 2. DEFINITIONS.

- A. Calendar Year as used herein, means that period of time beginning January 1 and ending December 31 of the same year.
- B. Weeds as used herein, means any of the following:
1. Brush and woody vines shall be classified as weeds;
 2. Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
 3. Weeds which bear or may bear seeds of a downy or wingy nature;
 4. Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
 5. Weeds and indigenous grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed twelve (12) inches in height.

SECTION 3. PUBLIC OFFICER; NOTICE TO REMOVE.

- A. The City Manager shall designate a public officer to be charged with the administration and enforcement of this Ordinance. The public officer or an authorized assistant shall give written notice to the owner, occupant or agent of such property by certified mail, return receipt requested, or by personal service to cut or destroy weeds; provided, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner. Such notice shall only be given once per calendar year.
- B. The notice to be given hereunder shall state:
1. That the owner, occupant or agent in charge of the property is in violation of the city weed control law;
 2. That the owner, occupant or agent in control of the property is ordered to cut or destroy the weeds within 10 days of the receipt of the notice;
 3. That the owner, occupant or agent in control of the property may request a hearing before the governing body or its designated representative within five days of the receipt of the notice or, if the owner is unknown or a nonresident and there is no resident agent, 10 days after notice has been published by the City Clerk in the official city newspaper;
 4. That if the owner, occupant or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time, the City or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant or agent in control of the property;
 5. That the owner, occupant or agent in control of the property will be given an opportunity to pay the assessment, and, if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment;
 6. That no further notice will be given during the current calendar year prior to removal of weeds from the property; and
 7. That the public officer should be contacted if there are any questions regarding the order.
- C. 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 any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this Ordinance.

SECTION 4. ABATEMENT; ASSESSMENT OF COSTS.

- A. If the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified in Section 3, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.
- B. If the City abates or removes the nuisance pursuant to this section, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this section.
- C. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Treasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1617f)

SECTION 5. RIGHT OF ENTRY. The public officer, and the public officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this Ordinance.

SECTION 6. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

SECTION 7. NOXIOUS WEEDS.

- A. Nothing in this Ordinance shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.
- B. For the purpose of this Ordinance, the term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea pteris*), hoary cross (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burragweed (*Franseria tomentosa* and discolor), pignut (*Hoffmannsaggia densiflora*), musk (noddng) thistle (*Carduus nutans* L.), and Johnson grass (*Sorghum halepense*). (K.S.A. 2-1314)

SECTION 8. REPEALER. Ordinance No. 1263, dated June 3, 1997, is hereby repealed.

SECTION 9. This Ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR this 2nd day of March, 2004.

Warren C. Hixson, Mayor

ATTEST:
Beverly J. Stichen
Beverly J. Stichen, City Clerk

SEAL

(Published in the Colby Free Press on March 8, 2004.)

House for Sale

Brick 5 bedroom, 2 3/4 bath, finished basement, 3,200 sq. ft., 1.3 acres, 1900 N. Range Ave. 462-2707.
—3/5—3/18—

For Sale - Mobile Homes

2 bedroom with appliances, setting on lot at Friendly Acres, connected to utilities and ready to move into, \$4,800. 460-3850.
—3/8—3/12—

Public Notice

ORDINANCE NO. 1354

AN ORDINANCE DECLARING CERTAIN MATTERS AS MOTOR VEHICLE NUISANCES WITHIN THE CITY OF COLBY, KANSAS; PROVIDING FOR THE REMOVAL OR ABATEMENT OF MOTOR VEHICLE NUISANCES, AUTHORIZING THE ASSESSMENT OF COSTS, PROVIDING FOR PENALTIES, AND REPEALING ORDINANCE NO. 1255.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY KANSAS:

SECTION 1. FINDINGS OF GOVERNING BODY. The Governing Body finds that junked, wrecked, dismantled, inoperative, or abandoned vehicles affect the health, safety, and general welfare of citizens of the City because they:

- A. Serve as a breeding ground for flies, mosquitoes, rats, and other insects and rodents;
- B. Are a danger to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks, or other supports;
- C. Are a ready source of fire and explosion;
- D. Encourage pilfering and theft;
- E. Constitute a blighting influence upon the area in which they are located;
- F. Constitute a fire hazard because they frequently block access for fire equipment to adjacent buildings and structures.

SECTION 2. DEFINITIONS. As used in this Ordinance, unless the context clearly indicates otherwise:

- A. INOPERABLE means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally constructed;
- B. VEHICLE means, without limitation, any automobile, truck, tractor, or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

SECTION 3. NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City.

- A. A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; parked in violation of any City Ordinance, incapable of moving under its own power, or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

1. Absence of a current registration plate upon the vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

- B. The provisions of this section shall not apply to:

1. Any motor vehicle which is enclosed in a garage or other building;
2. The parking or storage of a vehicle which is inoperable for a period of 30 consecutive days or less;
3. Any person conducting a business enterprise in compliance with existing zoning regulations or who places such vehicles behind screening of sufficient size, strength, and density to screen such vehicles from the view of the public and to prohibit ready access to stored vehicles by children. However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

SECTION 4. PUBLIC OFFICER. The Building Official shall be the public officer charged with the administration and enforcement of this article.

SECTION 5. COMPLAINTS, INQUIRY AND INSPECTION. The public officer shall make inquiry and inspection of premises upon receiving a complaint or complaints in writing signed by two or more persons stating that a nuisance exists and describing the same and where located or is informed that a nuisance may exist by the Board of Health, Chief of Police or the Fire Chief. The public officer may make such inquiry and inspection when he or she observes conditions which appear to constitute a nuisance. Upon making any inquiry and inspection, the public officer shall make a written report of findings.

SECTION 6. RIGHT OF ENTRY. It shall be a violation of this Ordinance to deny the public officer the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

SECTION 7. NOTICE OR ORDER OF VIOLATION.

- A. The Governing Body shall serve upon the owner, any agent of the owner of the property or any other person, corporation, partnership or association found by the public officer to be in violation of Section 1, an order stating the violation. The order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

- B. If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (K.S.A. 12-1617e)

SECTION 8. SAME; CONTENTS. The order shall state the condition(s) which is (are) in violation of Section 1. The order shall also inform the person, corporation, partnership or association that:

- A. He, she, or they shall have ten (10) days from the date of serving the order to abate the condition(s) in violation of Section 1; or
- B. He, she, or they have ten (10) days from the date of serving the order to request a hearing before the Governing Body of the matter as provided by Section 12;
- C. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided by Section 9 and/or abatement of the conditions(s) by the City as provided by Section 10.

SECTION 9. FAILURE TO COMPLY; PENALTY. Should the person fail to comply with the order to abate the nuisance or request a hearing, the public officer may file a complaint in the Municipal Court of the City against such person and upon conviction of any violation of provisions of Section 1, be fined in an amount not to exceed one hundred dollars (\$100) or be imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

SECTION 10. ABATEMENT. In addition to, or as an alternative to prosecution as provided in Section 9, the public officer may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 7 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the Governing Body within the time period specified in Section 8, the public officer may present a resolution to the Governing Body for adoption authorizing the public officer or other agents of the City to abate the conditions causing the violation at the end of ten (10) days after passage of the resolution.

The resolution shall further provide that the costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 13. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- A. Personal service upon the person in violation;
- B. Service by restricted mail, postage prepaid, return receipt requested; or
- C. In the event the whereabouts of such person(s) are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the City Clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premise where such condition exists.
- D. If the owner or the agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice or order sent pursuant to this section during the preceding twenty-four month period, the Governing Body of the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property or provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

SECTION 11. DISPOSITION OF VEHICLE. Disposition of any motor vehicle removed and abated from private property pursuant to this Ordinance shall be as provided by K.S.A. Supp. 8-1102, as amended.

SECTION 12. HEARING. If a hearing is requested within the 10-day period as provided in Section 8, such request shall be made in writing to the Governing Body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the Governing Body as soon as possible after the filing of the request therefore, and the person shall be advised by the City of the time and place of the hearing at least five (5) days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the City may introduce such witnesses and evidence as is deemed necessary and proper by the Governing Body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the Governing Body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person(s) in the matter provided in Section 10.

SECTION 13. COSTS ASSESSED. If the City abates or removes the nuisance pursuant to Section 10, the City shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the City. The notice shall also state that the payment is due within 30 days following receipt of the notice. The City also may recover the cost of providing notice, including any postage, required by this section. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the County Trasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

SECTION 14. REPEALER. Ordinance No. 1255, dated February 18, 1997, is hereby repealed.

SECTION 15. This Ordinance shall be in full force and effect from and after its adoption and publication in the official City newspaper.

ADOPTED AND APPROVED by the Governing Body, this 2nd day of March, 2004.

Warren C. Hixson, Mayor

ATTEST:
Beverly J. Stichen
Beverly J. Stichen, City Clerk

SEAL

(Published in the Colby Free Press on March 8, 2004)