AN ORDINANCE introduced by Mayor Joan Wagnon relating to repeat violators of the nuisance code, amending City of Topeka Code § 66-33, Abatement by city and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. City of Topeka Code § 66-33, Abatement by city, is hereby amended to read as follows:

**Abatement by city.**

(a) If the person upon whom notice to abate a nuisance was served pursuant to the provisions of this article fails to abate the nuisance, the environmental code services officer or designee or other duly designated officer of the city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof to be certified to the council. Thereafter, the costs of abatement including the cost of providing notice thereof shall be assessed against the real property as a service assessment as provided by law. In the alternative or in addition, the environmental code services officer or designee may seek the remedy of enforcement and prosecution as provided for under section 1-7 of the Code of the city. Each day the property remains in violation of this article shall be deemed a separate offense and multiple offenses may be charged in the same complaint.

(b) Upon a second and any subsequent conviction in municipal court for a nuisance violation for the same property within a twelve (12) month period, the person so convicted shall be fined four hundred ninety-nine dollars ($499.00) for each day following the date of conviction the property remains in violation of the nuisance code. The fine so
imposed shall not be modified or paroled.

(c) The abatement of a nuisance under the direction of the environmental code services officer shall not be a defense or excuse to the owner, occupant or agent of property not conforming with this article.

Section 2. Original City of Topeka Code § 66-33 is hereby specifically repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council ____________

Joan Waggon, Mayor

ATTEST:

Morgan K. Jester, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 2/1/01 BY ______
TO BE CODIFIED X
NOT TO BE CODIFIED ______