

ORDINANCE NO. 953

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF CHETOPA, KANSAS
ADDING SECTION 8-211, REGARDING RELOCATION OF NUISANCE OR ANY
PART THEREOF TO ANOTHER LOCATION WITHIN THE CITY LIMITS.**

WHEREAS, the current code does provide the City of Chetopa, Kansas (“City”) with the authority to declare and abate those certain nuisances within the city limits of Chetopa, Kansas; and

WHEREAS, the City has encountered residents that are relocating nuisance from one location within the city limits to other locations; and

WHEREAS, these actions do not abate the nuisance as contemplated in the city code but instead transfer the nuisance from one place within the city to another; and

WHEREAS, the Governing Body desires to amend the Code of the City of Chetopa, Kansas to provide a clear prohibition with criminal ramification for this act.

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

SECTION ONE: AMENDMENT TO CODE.

The Governing Body of the City of Chetopa hereby amends the Code by adding Section 8-211 of the City of Chetopa Code to read as follows:

Sec. 8-211. – RELOCATION OF NUISANCE; PENALTY.

(a) It shall be unlawful for any person to move any item or condition determined to be a nuisance under Chapter 8 Article 2 of the Code of Chetopa, Kansas from one location within the city limits of Chetopa, Kansas to another location within the city limits of Chetopa, Kansas after the inquiry, inspection and complaint process has begun: (i) to avoid prosecution or liability or (ii) which causes or contributes to the property receiving the item or condition to become a nuisance within six months of relocation.

(b) For purposes of this section only, the inquiry, inspection and complaint process shall be determined to have begun if a written complaint has been received by the public officer or, if no written complaint has been received, then upon inspection by the public officer.

(c) Exceptions: it shall be an exception that the person is moving the item or condition to a waste disposal site which has been either authorized by the City or the Kansas Department of Health and Environment for waste disposal.

(d) Penalty: a person convicted shall be punished by being fined in an amount not to exceed \$500.00 or be imprisoned not to exceed 30 days or be both fined and imprisoned.

SECTION TWO: PUBLICATION; EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its adoption and summary publication in the official city newspaper and full text of ordinance on the city website: www.chetopa.org.

PASSED BY THE GOVERNING BODY OF THE CITY OF CHETOPA, KANSAS THIS 21ST DAY OF DECEMBER, 2021.

Mayor

Seal

City Clerk