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ORDINANCE NO 1077

AN ORDINANCE REQUIRING PREMISES LOCATIONS TO BE CONSPICUOUSLY DISPLAYED ON EACH PHYSICAL STRUCTURE WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF HORTON, KANSAS:

Section 1. Premises Location. All structures capable of habitation or business and other physical structures not integrally a part of another structure (hereinafter “structure”) located within the corporate limits of the City of Horton, Kansas, shall be numbered with the number assigned by the City Clerk by the authority vested herein.

Section 2. Size and Placing of Numbers. All numbers shall be figures no less than three and one-half (3 ½) inches in height, in contrasting colors and shall be conspicuously placed on, above or by the side of the front door of the structure on each property; and each number shall be plainly visible and legible from the street fronting the property. Numbering in script shall be allowed only when numbering in figures is also present in accordance with this Section. Numbering of the curb in front of the physical structure or on the mailbox, unless such mailbox meets the requirements of numbering herein, shall not constitute compliance.

Section 3. Appointment of Enforcement Officer; Duties of City Clerk.

- a) The city administrator shall designate a public officer to be charged with the administration and enforcement of the requirements of this ordinance.
- b) In cases of new construction, doubt or ambiguity, or where other questions arise as to the proper number identification to be assigned to any lot or building, the City Clerk shall decide the question and fix the number of such lot or structure.

Section 4. Effective Date of Premises Location Requirement. All owners of structures in the City of Horton, Kansas, are hereby required to number, or cause to be numbered, structures owned by them within sixty (60) days of publication. Any time new structures are erected, they shall be numbered in compliance with this ordinance at the time of occupancy. City staff shall provide public information and notice to residents concerning the requirements of this ordinance as is practical and prudent.

Section 5. Enforcement.

- a) The public officer appointed by the City Administrator herein 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 the requirements of this ordinance are being executed.

- b) Any person, corporation, partnership or association found by the public officer to be in violation of section 1 of this ordinance shall be served a notice of such violation. The notice shall be served on the owner or agent of such structure by certified mail, return receipt requested, or by personal service, or if the same is unoccupied and the owner is a nonresident, then by mailing a notice by certified mail, return receipt requested, to the last known address of the owner.
- c) The notice shall state the condition(s) which is (are) in violation of this ordinance. The notice shall also inform the person, corporation, partnership or association that:
 - 1) He, she or they shall have ten (10) days from the date of serving the notice to abate the condition(s) in violation of this ordinance; and
 - 2) If such condition remains in violation after the period the owner or agent of such property shall be served a summons by the public enforcement officer appointed herein to appear before the municipal.
- d) Failure to abate the condition(s) within the time allowed may result in prosecution and/or abatement as provided by section 6.

Section 6. Failure to Comply; Penalty; City Fixture of Identification; Assessment of Costs.

- a) Should the person, corporation, partnership, association or other entity fail to comply with the notice to abate the nuisance or request a hearing, the public enforcement officer appointed herein may file a complaint in the municipal court of the city against such person, corporation, partnership, association or other entity and upon conviction of any violation of provisions of section, be fined in an amount not to exceed \$35.00. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.
- b) In addition to, or as an alternative to prosecution as provide in section 6(a), the public enforcement officer may seek to remedy violations of this section in the following manner. If a person to whom a notice has been sent pursuant to section 5 has not placed premises identification on the structure and has been ordered by the municipal court to place the premises identification pursuant to section 5, the public enforcement officer shall cause such premises identification to be affixed to the structure in a manner not inconsistent with the requirements of this ordinance. Notice of the city's costs and demand for payment for affixing the premises identification number to the structure shall be sent by certified, return-receipt mailing and if such costs remain unpaid for thirty (30) consecutive days by the owner, the costs, including labor and materials, shall be charged against the lot or parcel of ground on which the premises location was affixed.

- c) If the city affixes premises identification pursuant to section 6(c), the cost of such city action, including any necessary labor, equipment and materials, shall be charged against the lot or parcel of ground on which the structure was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

PASSED BY THE GOVERNING BODY of the City of Horton, Kansas, this 18th day of June 2007.

Tim Lentz, Mayor

ATTEST TO:

Candice S. Schmitt, City Clerk