



**REQUEST FOR SPECIAL MEETING OF THE GOVERNING
BODY OF THE CITY OF PAOLA, KANSAS**

TO THE HONORABLE MAYOR, LEIGH HOUSE, OF THE CITY OF PAOLA, KANSAS:

We, the undersigned being duly elected, qualified, and acting Councilmembers of the City of Paola, Kansas, hereby respectfully request you to call a **Work Study Meeting** of the Governing Body of the City of Paola, Kansas. This meeting will be held at the **Paola City Hall, 19 E Peoria, on Tuesday, November 5, 2024 at 6:00 pm**, for the following purpose:

- Discuss HEAL grant application
- Discuss sale procedure for 115 W Wea
- Health Insurance Renewal
- Review IT Service proposals
- AES Preliminary Site Plan
- Lake Dam Testing & Inspection proposal
- Council meeting items
- Other business
 - Nuisance Procedures

(This is a Work Study Meeting and no action will be taken on any issue.)

JR McMahon, Councilmember Ward 1

Deborah Hayes, Councilmember Ward 2

Joshua Brown, Councilmember Ward 3

LeAnne Shields, Councilmember Ward 4

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CALL OF SPECIAL COUNCIL MEETING

I, the undersigned Mayor of the City of Paola, Kansas having received a request for a special meeting of the Governing Body of said city, do by these presents call a special council meeting of the City of Paola, Kansas for the purpose set forth in the foregoing request

Leigh House, Mayor

Grass Nuisance Procedure

1. A citizen makes a complaint on grass exceeding 12" in height.
 - Sometimes when a complaint is made, the grass is 6 feet or more in height.
2. I complete an inspection of the property and take pictures of the grass.
3. If the grass was in fact substantially taller than 12" in height, I prepare a written report and create a "Notice of Public Nuisance" letter.
4. I send this letter to the registered owner of the property via certified mail (as required by City Code).
 - I have attempted to personally serve these letters in the past and have been unsuccessful most of the time.
5. The owner has 10 days *from the date they receive the letter* to cut the grass/weeds.
 - Since these letters are sent via certified mail, the property owners have to sign for them.
 - If the letter is not signed for, the postal service leaves a note and holds the letter for approximately 10 days.
 - The postal service attempts a second delivery, and if it is again not signed for, they usually hold the letter for another 10 days before returning it to me.
 - If the postal service loses the letter, the tracking information does not normally indicate it and I have to send another one, or try to contact the owner by other means.
6. If the letter is signed for and the 10 days has expired, or the letter is returned to me, then I am able to mow the property.
 - I generally wait until I have a few yards to be mowed to go and cut the grass myself.
 - **If the owner demonstrates due diligence, by mowing a part of the property, I am required to give them an extension to complete the mowing.
 - When I mow properties, it is a rough cut only.
 - I do my best to mow as close to objects as safely possible, without risking damage to objects or the mower.
 - This always leaves behind tall grass right up next to objects, buildings, trees, etc.

Before and After Mowing Examples



What I can't get to with the mower



- The mower I use is borrowed from Public Works, and is a 61" Grasshopper mower. These mowers are very large and not easy to maneuver around tight spaces. Pictured below is a photo of the mower next to the Community Development Ranger for size comparison.



7. Once mowed, I take pictures, update the case file, and notify the City Clerk of the mowing.
8. The City Clerk sends a bill for the abatement of the nuisance to the owner of the property via certified mail.
 - Sometimes property owners do not sign for these pieces of mail either, and they are eventually returned to us.
 - If this is the case we may try to contact the property owner by different means.
 - If we are unable to collect payment from the property owner, the process below begins. ***If property owners do not pay their taxes, we do not get reimbursed for the nuisance abatement.***
 - If the payment of costs is not made within the thirty (30) day period, the City may levy a special assessment for such costs against the lot or parcel of land. The City Clerk at the time of certifying other City taxes to the County Clerk shall certify the aforesaid costs, and the County Clerk shall extend the same on the tax roll of the County against the lot or parcel of ground, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid.
 - This has to be completed by July 25th, or else it will be put on the next year's tax roll.
9. If the grass becomes long again, I do not have to send a notice to the owner before mowing again as long as it is in the same calendar year.
10. When the next calendar year begins and the grass gets long again, this entire process starts over again.

Trash Nuisance Procedure

1. A citizen makes a complaint about a nuisance in town.
2. I complete an inspection of the property and take pictures of the trash, inoperable vehicles, etc.
3. I prepare a written report and create a "Notice of Public Nuisance" letter, or courtesy letter depending on the situation.
 - Attached are examples of a courtesy letter and notice of public nuisance.
4. I send this letter to the owner of the property to notify them of the nuisance.
5. This is usually sent by regular mail, unless I believe the nuisance will not be abated by the owner, in which case I send it certified mail.
 - Generally regular mail is quicker to be delivered as it does not need to be signed for, however if the owner of the property does not contact me, I have no way to be certain they received the notice.
 - If it is sent via certified mail and not successfully delivered, it generally takes approximately a month for the letter to be returned to me.
 - If it is returned to me, I send a notice via regular mail and attempt to contact the owner by other means.
6. Once I have contacted the owner, I explain what exactly the nuisance letter is in regards to, and inform them that they have 10 days to abate the nuisance.
 - If the owner has a plan in place to abate the nuisance but needs more time to make it happen, I will usually grant them a reasonable extension.
7. **If the property is a rental, I attempt to get the tenant's contact information and notify them.**
 - Steps 4-6 are repeated for the tenant to ensure they have been notified of the nuisance before further action is taken.
 - If I am still unable to contact the tenant, I tape a notice to the door of the residence and start the 10 days at that point.
 - If I see progress in those 10 days, I will generally give the tenant a reasonable extension to continue cleaning up the property.

8. If the 10 days have passed and I have not seen any progress in abating the nuisance, or an extension has been given and I stop seeing progress, I begin the Notice to Appear (NTA) process.

NTA/Court Process

1. Pictures of the nuisance violation are taken in its current state.
2. I complete a NTA and letter to the owner/tenant explaining why they are receiving the NTA.
 - I have one court date per month available for codes related NTAs.
 - When I issue an NTA, I give a court date that is at least one month out. *This is consistent with the Police Department's procedure when issuing NTAs.
3. The NTA is sent to the owner/tenant's last known address via certified mail.
 - The NTA must be sent certified mail or personally served to the recipient.
 - I always attempt to send the NTA via certified mail first to avoid any possible conflict that could arise from personally serving it.
 - If the NTA has failed to be delivered, it takes approximately one month to return to me.
 - At this point, the original court date on the NTA is usually too soon, and a new court date one month out is given.
4. At this point, I attempt to personally serve the NTA to the owner/tenant.
5. If I am unable to personally serve the NTA, I send it to the owner/tenant via regular mail.

Court (Day One)

1. Plea Hearing

- This day is just for the defendant to plead guilty, not guilty, or no contest.
- If the defendant pleads guilty, the judge sets their sentencing court date for one month out, and gives them time to get it cleaned up.
- If they plead not guilty, it gets set for trial one month out.

Court (Day Two)

2. Sentencing

- If the defendant has completely abated the nuisance, they are issued their fine and are done with the process.
- If they have shown due diligence in abating the nuisance, but have not completely gotten rid of it, sentencing is set out another month in order to give them more time to abate it.
 - As long as the defendant continues to make progress, this continues each month until the nuisance is abated.
- If the defendant has failed to show due diligence in abating the nuisance, the judge will make a court order to abate it. The next court date is again set for a month out to give the defendant an opportunity to comply with the court order.

Court (Day Three)

3. Citation for Contempt

- If the defendant fails to comply with the court order, the City Attorney will file a citation for contempt of court.
- At this point, the defendant is provided with a court appointed attorney, or given time to hire their own attorney.
- Next court date... You guessed it - One month out.

Court (Day Four)

- If the defendant still has not abated the nuisance, they are given one last chance to get it cleaned up by the judge.

Court (Day Five)

- Not sure what happens here because we have not gotten that far yet.

Notes

- I am required to be present at every court day for each NTA I issue.
- If someone does not appear for court, a letter is sent to them by the court, advising that they need to appear at the next court date.
- If they fail to appear again, a warrant is usually issued.
 - ♦ At this point, nothing can be done until they are arrested on the warrant and appear in court.

City of Paola, Kansas

Code Enforcement

COURTESY NOTICE

October 28, 2024

Property Location: 19 E PEORIA ST, Paola, KS 66071

Parcel #: 1351602040001000

Legal Description: PAOLA RE-SURVEY, BLOCK 31, Lot PT 1, E44' LT 1 BLK 31 EXEMPT SECTION 16 TOWNSHIP 17 RANGE 23

Owner: PAOLA CITY
PO BOX 409
PAOLA, KS 66071

Property Owner:

Violation:

The property described above is in violation of Section 8-103 of the Paola Municipal Code for the following reason:

Trash

Filth, excrement, lumber, appliances, concrete blocks, rocks, dirt, cans, paper, trash, metal, brush piles, disabled automobiles and/or parts of any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, easement, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied. Have trash cleaned up and property maintained.

[R.O. 2008 §210.020; Ord. No. 2664 §2, 9-24-1996]

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This is a COURTESY NOTICE. No Penalties shall be enforced at this time.

If the Nuisance is not removed within five (5) days, you will receive a certified letter giving you a final ten (10) days to correct violations. If not corrected within the final ten (10) days, penalties will be enforced through Municipal Court.

Please contact the office at (913) 259-3611 if you have questions.

Sincerely,



Mitch Gabbert
City of Paola
Code Enforcement Officer



NOTICE OF PUBLIC NUISANCE

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[R.O. 2008 §210.020; Ord. No. 2664 §2, 9-24-1996]

Abatement:

The nuisances described above shall be abated within ten (10) days of this notice. The deadline for abatement is:

- 11/08/2024

Hearing:

The recipient of this notice may, upon written request, schedule a hearing before the enforcing officer, provided that such notice is received by the City Clerk within the ten (10) day notice period.

Failure to Comply:

Failure to comply with this notice of abatement shall result in the City abating the violation with the assessment of costs made against the property or by filing judgment against the recipient. Failure to pay such assessments within thirty (30) days of the notice of costs shall result in the filing of a tax lien against the property, or for filing for judgment against the recipient, or both.

Such violations are subject to prosecution.

Penalties:

If the Public Officer determines that a violation of Chapter 210 "Nuisances" of the Paola Municipal Code exists, the Public Officer may issue a Notice to Appear in Municipal Court for such violation. No other procedures are required as a prerequisite to the issuance of a Notice to Appear.

The penalty for violation shall be no less than one hundred (\$100) nor more than five hundred (\$500) or imprisonment not to exceed thirty (30) days, or shall include both a fine and imprisonment. Each day during or on which a violation occurs or continues after notice has been served, shall constitute an additional or separate offense.

Abatement of a Nuisance by the City:

In addition to, or as an alternative to prosecution, if the owner or agent fails to comply with the requirement of the notice for a period longer than that named in the notice, then the City shall proceed to have the items described in the notice removed and abated from the parcel of ground.

The City shall not be responsible for damage to the property due to reasonable methods of gaining entrance onto the property or for damage to the property in the reasonable exercise of its duty to abate violations of Chapter 210 of the Paola Municipal Code.

Final Notice:

This is your only notice. Any other nuisance violation will immediately warrant a Notice to Appear in court and penalties shall be enforced.

Please contact the office at (913) 259-3611 if you have questions.

Sincerely,



Mitch Gabbert
City of Paola
Code Enforcement Officer