

**ORDINANCE NO. 23-29**

**AN ORDINANCE PERTAINING TO SUMMARY AND ACCELERATED ABATEMENT OF ACCUMULATED RUBBISH OR GARBAGE; AMENDING OLATHE MUNICIPAL CODE SECTION 6.06.030 AND REPEALING THE EXISTING SECTION, AND ADDING SECTION 6.06.125 TO THE OLATHE MUNICIPAL CODE.**

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

**SECTION ONE:** Section 6.06.030 of the Olathe Municipal Code is hereby amended to read as follows:

**“6.06.030 Definitions.**

For the purposes of this chapter, the following definitions apply:

“City” means the City of Olathe, Kansas;

“Code” means the Olathe Municipal Code;

“Commercial or Industrial” means areas which are used or intended to be used primarily for other than residential or agricultural purposes;

“Commercial Vehicle” means a vehicle with or without its own motive power, with a chassis rated at one (1) ton or more, that meets a minimum of one of the following dimension or use criteria;

- (1) The length of the vehicle exceeds twenty (20) feet;
- (2) The width of the vehicle exceeds eight (8) feet;
- (3) The height of the vehicle exceeds seven (7) feet;
- (4) The vehicle is used primarily for the carrying of equipment, livestock, minerals, liquids or other commodities; or
- (5) The vehicle is used primarily for the carrying of persons in the performance of a transportation service.

Commercial vehicles also include hauling and advertising trailers if used for commercial (e.g., non-recreational) purposes;

“Compost Pile” means a mixture consisting of leaves, stems, grasses, dirt and other organic matter which shall be stored in an enclosure and used for garden soil conditioning purposes. Said enclosure shall be screened or placed in a manner which is not offensive to neighboring residents or the general public;

“Garbage” means without limitation, any accumulation of animal, fruit or vegetable waste matter which normally is the by-product of handling, preparation, cooking, serving, delivering, storage or any other use of foodstuffs;

“Graffiti” means any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as “graffiti,” which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building or portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right of way. “Graffiti” shall not include any permitted sign allowed to be erected in Section 18.50.190 of the Unified Development Ordinance;

“Immediate Vehicle Hazard” means any unattended vehicle which has been placed on jacks, blocks or a stand unless such vehicle is placed in a garage or other building;

“Inoperable Vehicle” means a vehicle or component parts thereof which cannot function properly or be used for its original purpose, including, without limitation, a condition of being junked, parted out, used for salvage, or any part thereof discarded or stored, or use of any part for artful or decorative purposes. Also, included would be any vehicle which is not currently registered or licensed or parked in any manner which would be a violation of other City ordinances or incapable of moving under its own power or would be unlawful to operate upon any street, road or highway. A vehicle which is temporarily inoperative but is in the process of

being repaired shall be repaired within thirty (30) consecutive days or it shall be deemed an inoperable vehicle as defined in this section;

“Nuisance” means, without limitation, any accumulation or collection of filth, human or animal excrement, tree limbs, lumber, wood, glass, rocks, concrete, dirt, grass clippings, leaves, cans, containers, paper, trash, plastic, petroleum products, Styrofoam, rubber, metal, discarded appliances or other household items, abandoned or inoperable vehicles or parts thereof, or any other material or item which is thrown, left, deposited or stored upon any public or private property, except that compost piles as defined by Section 6.06.030 shall not constitute a nuisance;

The above also includes any place, operation, materials or substance offensive in appearance or which emits or causes any nauseous odors. Any dilapidated fence, wall, building or other structure in disrepair, open pits, pools or ponds of water or fluids, trenches or wells and/or any other condition which is offensive to or a threat to the environmental quality, health, safety or welfare of the City as determined by any Public Officer shall also constitute a nuisance;

“Passenger Vehicle” means a vehicle which is:

- (1) licensed for use on public streets;
- (2) designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and
- (3) sold primarily to individuals for personal use.

This definition includes, but is not limited to, motorcycles, mopeds, motorscooters, automobiles commonly referred to as coupes, sedans, hatchbacks, station wagons, convertibles, minivans, passenger vans, cargo vans, and pickup trucks, any of which would not otherwise meet the definition of commercial vehicle or recreational vehicle as set forth herein;

“Person” means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee,

board, trustee, receiver, agent or any 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” means any lot, parcel or tract of land, including any structures, and/or excavations located thereon;

“Public Officer” means any City representative charged by the City Manager or designee with the administration and enforcement of this chapter;

“Recreational Vehicle” means a vehicular-type unit which is:

- (1) Built on a chassis or for use on a chassis,
- (2) designed primarily as temporary living quarters for recreational, camping, vacation or travel use, and
- (3) has its own motive power or is mounted on or drawn by another vehicle.

This definition includes, but is not limited to, motor homes (Class A, B, or C), travel trailers, folding camping trailers, 5th wheel trailers, truck campers (each as shown in Illustration A), passenger vehicles or buses specifically modified to meet the three conditions above, and boats, any of which would not otherwise meet the definition of commercial vehicle or passenger vehicle as set forth herein;

“Residential District” refers to any place or area where the property is zoned for residential occupancy including single-family, two-family and multifamily lots;

“Rubbish” means combustible and noncombustible waste materials, except garbage; the term includes the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar

materials; the term also includes discarded items including but not limited to appliances, furniture, and auto parts.

“Unimproved Premises” means any lot parcel or tract of land without any structures or any other type of improvement or development thereon;

“Vehicle” means any automobile, van, truck, all-terrain vehicle, motorcycle, moped, motorscooter, recreational vehicle, farm machinery, construction equipment, boat, boat trailer, airplane, bicycle, trailer, wagon or other device mounted on wheels and designed to carry any cargo, operator or passenger and may be powered by an engine or pulled or pushed by any device or person;

“Yard” means the area of the premises not occupied by a structure.

ILLUSTRATION A

**RECREATIONAL VEHICLES**

Class A Motor Home



Class B Motor Home



Class C Motor Home



Travel Trailer



Folding Camper Trailer



Fifth-Wheel Trailer



Truck Camper



**NEW SECTION TWO:** Section 6.06.035 is hereby added to the Olathe Municipal Code and shall read as follows:

**“6.06.125 Summary and Accelerated Abatement of Accumulated Rubbish or Garbage.**

(A) Notwithstanding any other provisions in this Chapter, it is unlawful to allow the exterior property and premises, or the interior of a structure, to accumulate rubbish or garbage which poses an imminent threat or substantial risk of being spread, scattered or blown onto neighboring properties or the adjacent right-of-way, or which creates a substantial interference with the use and enjoyment of neighboring properties or public property or right-of-way.

(B) Summary Abatement. Notwithstanding any other provisions in this Chapter, whenever the Public Officer determines that the accumulation of

rubbish or garbage poses an imminent threat or substantial risk of being spread, scattered or blown onto neighboring properties or the adjacent right-of-way thereby creating a substantial interference with the use and enjoyment of said properties, the City may to take immediate action to abate the violation without notice.

(C) Accelerated Abatement. Notwithstanding any other provisions in this Chapter, whenever the Public Officer determines that the accumulation of rubbish or garbage that, by virtue of their nature, amount or composition, create a substantial interference with the use and enjoyment of neighboring properties or public property or right-of-way, the City may take steps to abate the violation in accordance with the following steps:

(1) The Public Officer shall post the premises where the materials are located with a notice warning that accelerated abatement will occur unless the violation is corrected as required. If the tax records indicate that the owner resides at the location and the violation is not removed within 24 hours of posting, the Public Officer may authorize immediate abatement.

(2) If the tax records indicate that the owner resides at a different location in Johnson County, the Public Officer shall post that location with the same notice. If the violation is not removed within 48 hours, the Public Officer may authorize immediate abatement.

(3) If the tax records indicate that the owner resides outside of Johnson County, the Public Officer shall send the same notice to the owner's address by overnight delivery. If the violation is not removed within 48 hours of the time of posting, the Public Officer may authorize immediate abatement, provided the Public Officer reasonably believes that at least 24 hours has occurred from the anticipated delivery time of the mailed notice.


(D) If summary or accelerated abatement is required, the owner shall be responsible for payment of the cost of the abatement and a notice of cost shall be sent as provided in Section 6.06.130."

**SECTION THREE:** Existing Section 6.06.030 is hereby repealed.

**SECTION FOUR:** This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

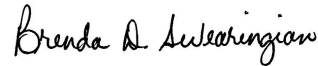
**PASSED** by the Governing Body this 7th day of November, 2023.

**SIGNED** by the Mayor this 8th day of November, 2023.

  
John W Bacon (Nov 8, 2023 10:03 CST)

Mayor


ATTEST:



City Clerk



APPROVED AS TO FORM:

  
Ron Shaver (Nov 8, 2023 11:04 CST)

City Attorney

Publish and return the Proof of Publication to the City Clerk and City Attorney.



# The Legal Record

1701 E. Cedar St., Ste. 111  
Olathe, KS 66062-1775

(913) 780-5790

First published in The Legal Record, Tuesday, November 14, 2023.

**PUBLICATION SUMMARY OF ORDINANCE NO. 23-29, PASSED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 7th DAY OF NOVEMBER 2023.**

## SUMMARY

On November 7, 2023, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 23-29 amending Chapter 6.06 of the Olathe Municipal Code pertaining to accelerated abatement.

The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address <http://www.olatheks.org/government/city-clerk/public-notices>, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 8th day of November 2023.

ATTN: CITY CLERK  
CITY OF OLATHE  
100 E SANTA FE ST  
OLATHE KS 66061-3409

/s/ Christopher M. Grunewald  
Christopher M. Grunewald  
Deputy City Attorney  
11/14

---

## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;  
Emily Kares, of lawful age, being first duly sworn, deposes and says that she is Editorial Manager for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

SUMMARY OF ORDINANCE NO. 23-29  
11/14/23




---

Emily Kares, Editorial Manager

Subscribed and sworn to before me on this date:

November 14, 2023



---

Notary Public

**DEBRA VALENTI**

Notary Public-State of Kansas  
My Appt. Expires Aug. 21, 2027

L15678

Publication Fees: \$20.76