

MINUTES OF THE REGULAR MEETING HELD AUGUST 15, 1972.

COUNCIL MET IN REGULAR SESSION, MAYOR MURRAY PRESIDING.

COUNCILMEN PRESENT:

| | | | | | |
|----------|---------|----------|----------|-------|------------|
| ANDERSON | BANKSON | BROWN | CANTRELL | COBLE | HANSBRAUGH |
| KAEHLER | WASHOM | WILLIAMS | | | |

COUNCILMEN ABSENT:

BAILEY

MINUTES OF THE MEETING HELD AUGUST 1, 1972 WERE PRESENTED TO THE COUNCIL FOR APPROVAL. COUNCILMAN KAEHLER POINTED OUT THAT THE MINUTES SHOULD BE AMENDED TO READ THAT COUNCILMAN WILLIAMS GAVE THE SWIMMING POOL REPORT AND NOT COUNCILMAN KAEHLER. MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN COBLE THAT THE MINUTES BE APPROVED AS AMENDED AND PLACED ON FILE. MOTION CARRIED.

AT AN INFORMAL MEETING HELD ON AUGUST 9, 1972 IN THE COUNCIL ROOM AT CITY HALL A DISCUSSION WAS HELD PERTAINING TO THE INSPECTION OF ALL RENTAL PROPERTY WITHIN THE CITY LIMITS. AFTER SOME DISCUSSION IT WAS AGRRED BY THE MAYOR AND COUNCILMEN THAT THE CITY ATTORNEY SHOULD BE INSTRUCTED TO DRAW UP AN ORDINANCE RELATING TO INSPECTION OF RENTAL PROPERTY WITHIN THE CITY LIMITS TO MAKE SAID PROPERTIES MORE SAFE FOR THE OCCUPANTS. MR. BREWSTER WAS INFORMED TO DRAW UP AN ORDINANCE AND TO PRESENT IT TO THE MAYOR AND COUNCIL ON AUGUST 15, 1972 AT THE REGULAR COUNCIL MEETING. THE ORIGINAL ORDINANCE BEING ATTACHED TO THESE MINUTES.

CCF220

MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN CANTRELL THAT THE ORDINANCE BE AMENDED TO READ THAT THE OWNER OR MORTGAGOR WOULD PAY A FEE OF FIVE DOLLARS FOR EACH INSPECTION ON THE SAME OFFENSE AFTER THE SECOND INSPECTION OF PROPERTY IS OFFERED. ON ROLL CALL VOTE THERE WAS SEVEN YEAS AND ONE NAY. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN CANTRELL AND SECONDED BY COUNCILMAN COBLE THAT A FEE OF FIVE DOLLARS BE SET FOR OCCUPANCY PERMIT. UPON ROLL CALL VOTE THERE WERE 8 YEAS AND 1 NAY. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN WASHOM THAT THE ORDINANCE BE PLACED ON ROLL CALL VOTE FOR ADOPTION. UPON ROLL CALL VOTE THERE WERE 8 YEAS AND 1 NAY. MOTION CARRIED AND THE CITY CLERK WAS INSTRUCTED TO PLACE THE ORDINANCE IN THE LOCAL PAPER FOR PUBLICATION.

A DISCUSSION WAS HELD PERTAINING TO THE OIL TANKS THAT ARE LOCATED ON THE OLD MARKET SQUARE WHICH IS OWNED BY JOHN JOSEPH. THE CITY ATTORNEY INFORMED COUNCIL THAT SINCE JOSEPH HAD PUT UP NO TRESPASSING SIGNS AND THEN FILED SUIT AGAINST THE CITY FOR USING THE PROPERTY THAT THE CITY COULD AT ANY TIME MOVE THE EQUIPMENT OFF THE LAND. IT WAS POINTED OUT TO THE COUNCIL BY THE MAYOR THAT THE CITY HAD NEVER BEEN FORMALLY NOTIFIED TO REMOVE THE EQUIPMENT.

MOTION WAS MADE BY COUNCILMAN WASHOM AND SECONDED BY COUNCILMAN WILLIAMS THAT MR. WAYNE IPOCK, METER READER, BE GRANTED ONE WEEKS VACATION STARTING ON AUGUST 21, 1972. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BANKSON AND SECONDED BY COUNCILMAN ANDERSON THAT MR. ROBERT S. TURNER BE GRANTED TWO WEEKS PAY IN LIEU OF VACATION TIME. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BROWN THAT THE TYING DOWN OF MOBILE HOMES BE TABLED UNTIL THE NEXT MEETING. MOTION SECONDED BY COUNCILMAN KAEHLER. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN CANTRELL THAT MR. POELMA BE GIVEN SOME FILL DIRT FROM THE SEWER CONSTRUCTION PROJECT PHASE III SINCE MR. POELMA SAYS THAT WHEN PHASE I WAS IN THE CITY THEY REMOVED DIRT FROM HIS LAND. ON ROLL CALL VOTE THERE WERE 5 YEAS AND 4 NAYS. MOTION CARRIED AND THE DIRT IS TO BE GIVEN TO MR. POELMA.

MOTION WAS MADE BY COUNCILMAN WASHOM AND SECONDED BY COUNCILMAN HANSBRAUGH THAT A 1959 PICK UP TRUCK OWNED BY VERNON JORDAN BE PURCHASED BY THE CITY AND TO BE USED BY THE STOCK MARSHALL. ON ROLL CALL VOTE THERE WERE 8 YEAS AND 1 NAY. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN WASHOM AND SECONDED BY COUNCILMAN HANSBRAUGH THAT THE CITY AUTHORIZE THE PURCHASE OF MATERIALS TO BUILD A CAGE ON THE BED OF THE TRUCK. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN ANDERSON THAT THE TRUCK BE PARKED AT THE WATER STATION WHEN NOT IN USE. UPON ROLL CALL VOTE THERE WERE 5 YEAS AND 3 NAYS AND 1 ABSTAINED. MOTION CARRIED.

THE MAYOR READ TO THE COUNCIL FOUR APPLICATION SUBMITTED TO THE CITY FOR THE VACANIES LEFT BY THE RESIGNATION OF MARVIN GOFF. THE FOLLOWING PEOPLE SUBMITTED APPLICATIONS: LAWRENCE MORFORD, GEORGE (TED) JACKSON, DON YOUNGBLOOD AND CLETUS BARKER.

MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN WILLIAMS THAT THE APPOINTMENT OF CLETUS BARKER BE CONFIRMED. ROLL CALL VOTE WAS UNANIMOUS.

PAUL ROWAN, PLANNING AND ZONING, WAS PRESENT AT THE MEETING. HE HAD BEEN GIVEN THE APPLICATIONS OF TWO MOBILE HOME SITES. HE REPORTED TO THE COUNCIL THAT BOTH PLACES HAD BEEN OKAYED BY THE PLANNING AND ZONING COMMITTEE.

MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN BANKSON THAT MR. PHIL GEISLER BE GRANTED A TRAILER PERMIT TO BE PARKED AT 11TH AND YALE FOR A BUSINESS OFFICE. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BANKSON AND SECONDED BY COUNCILMAN CANTRELL THAT A TRAILER PERMIT BE GRANTED TO NADINE WOODS TO PARK A TRAILER AT 4TH AND EUCLID. MOTION CARRIED.

A PETITION SIGNED BY SEVERAL RESIDENTS IN THE STONE AND FOLMER ADDITION WAS SUBMITTED TO THE COUNCIL FOR REOPENING OF AN ALLEY WAY BETWEEN 4TH AND 7TH STREET AND TO REPEAL ORDINANCE #908 DATED 10/8/70 VACATING ALLEY.

MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN BANKSON THAT ORDINANCE BE DRAFTED TO ABOLISH ORDINANCE #908. MOTION CARRIED AND THE CITY CLERK WAS INSTRUCTED TO PRESENT SAME TO THE CITY ATTORNEY.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN ANDERSON THAT HELEN PRICE AND LOUISE MCCOY APPOINTMENTS TO THE LIBRARY BOARD BE CONFIRMED. MOTION CARRIED.

A DISCUSSION WAS HELD PERTAINING TO THE REPLACEMENT OF NOBLE LEIGHTON.

MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN HANSBRAUGH THAT MARVIN GOFF BE ACCEPTED FOR THIS POSITION OF RESIDENT ENGINEER AND THAT THE SALARY BE ACCEPTED BY THE COUNCIL. ON ROLL CALL VOTE THERE WERE 3 YEAS AND 6 NAYS. MOTION DID NOT CARRY.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN COBLE THAT THE JOB LEFT BY THE SUDDEN DEATH OF NOBLE LEIGHTON BE GIVEN TO THE CITY COMMISSIONER AND REX GANDY ON ROLL CALL VOTE THERE WERE 3 YEAS AND 6 NAYS. MOTION DID NOT CARRY.

MOTION WAS MADE BY COUNCILMAN CANTRELL AND SECONDED BY COUNCILMAN COBLE THAT C.B. SIMMONS BE REQUESTED TO PERFORM THE SUPERVISORY AND INSPECTION DUTIES UNTIL HE CAN FIND A RESIDENT ENGINEER. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN WASHOM THAT THE GALENA BOOSTER CLUB BE GIVEN ASPHALT MATERIAL FOR PAVING AT THE STADIUM. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN BANKSON THAT THE CITY MARSHAL BE GIVEN AUTHORITY TO PURCHASE ROAD SIGNS NOT TO EXCEED \$300.00. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN WILLIAMS THAT THE CITY MARSHAL BE AUTHORIZED TO PURCHASE THE NECESSARY DECALS FOR CITY EQUIPMENT NOT TO EXCEED \$70.00. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN COBLE THAT THE CITY MARSHAL BE AUTHORIZED TO NOTIFY THE OWNERS AT 9TH AND ELM THAT A DEAD TREE ON THERE PROPERTY HAD BECOME A NUSIANCE AND SHOULD BE REMOVED. MOTION CARRIED.

COUNCILMAN HANSBRAUGH INFORMED THE COUNCIL THAT THE GALENA FIRE DEPARTMENT AND THE JAYCEES WERE GOING TO HOLD AN AUCTION IN THE NEAR FUTURE AND THAT THE PROCEEDS WERE TO GO TO A GALENA RESIDENT TO HELP FINANCE A KIDNEY MACHINE. MOTION WAS MADE BY COUNCILMAN HANSBRAUGH AND SECONDED BY COUNCILMAN WASHOM THAT THE MATERIAL COLLECTED FOR THIS AUCTION BE STORED IN THE TIN BARN OWNED BY THE CITY. MOTION CARRIED.

CCF220

COUNCILMAN WASHOM GAVE THE WATER REPORT.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN WASHOM THAT THE CITY PURCHASE 16 5/8 INCH METERS. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN ANDERSON THAT THE WATER REPORT BE ACCEPTED AND PLACED ON FILE. MOTION CARRIED.

ORD. #680 IN THE AMOUNTS OF \$5088.67 PAYROLL, \$4846.11 REG. AND \$32,657.73 SEWER FOR A TOTAL OF \$42,592.51 WAS PRESENTED TO THE COUNCIL FOR APPROVAL. MOTION WAS MADE BY COUNCILMAN BROWN AND SECONDED BY COUNCILMAN ANDERSON THAT ORDINANCE #680 BE ACCEPTED. MOTION CARRIED.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN BROWN THAT THE RESIGNATION OF THE CITY TREASURE, CLIFFORD MCQUILLEN, BE ACCEPTED. MOTION CARRIED.

A DISCUSSION WAS HELD ON THE PEE WEE FOOTBALL LEAGUE IN GALENA AND THAT THE PLAYERS BE RESTRICTED TO GALENA RESIDENTS ONLY.

MOTION WAS MADE BY COUNCILMAN WILLIAMS AND SECONDED BY COUNCILMAN COBLE THAT THE MEETING ADJOURN. MOTION CARRIED BY STANDING.

JACK N. MURRAY, MAYOR

B. JOE LATURNER, CITY CLERK

CCF220

MINUTES OF THE BUDGET HEARING HELD AUGUST 15, 1972

COUNCIL MET ON AUGUST 15, 1972 FOR THE PURPOSE OF A PUBLIC HEARING ON THE 1973 BUDGET.

COUNCILMEN PRESENT:

| | | | | | |
|----------|---------|----------|----------|-------|------------|
| ANDERSON | BANKSON | BROWN | CANTRELL | COBLE | HANSBRAUGH |
| KAEHLER | WASHOM | WILLIAMS | | | |

COUNCILMEN ABSENT:

BAILEY

PRESENT AT THE MEETING WAS BRADLEY BALL, CPA, AUDITOR FOR THE CITY.

MAYOR MURRAY DECLARED THE MEETING OPEN AT 7 p.m. FOR THE PURPOSE OF A PUBLIC HEARING ON THE 1973 BUDGET.

SINCE NO ONE WAS PRESENT TO PROTEST THE BUDGET A MOTION WAS MADE BY COUNCILMAN KAEHLER AND SECONDED BY COUNCILMAN ANDERSON AND HANSBRAUGH THAT THE 1973 BUDGET BE ACCEPTED. UPON ROLL CALL VOTE THE BUDGET PASSED WITH A UNANIMOUS VOTE. THREE COPIES HAD TO BE SIGNED BY THE MAYOR AND COUNCILMAN. MR. BALL WAS TO PICK UP THE COPIES AND PLACE THEM ON FILE WITH THE COUNTY CLERK AND STATE.

MAYOR MURRAY DECLARED THE HEARING CLOSED.

JACK N. MURRAY, MAYOR



B. JOE LATURNER, CITY CLERK
BY MARY ANN BULLARD, ASSIST.

CCE220

ORDINANCE 929

AN ORDINANCE finding that there exists within the City of Galena, Kansas, structures unfit for human use or habitation which are inimical to the welfare of the residents of the city in that they have a blighting influence on properties in their area or defects which render them detrimental to the health of the residents of the city; establishing a procedure for causing the repair, closing, demolition or removal of such unfit structures and assessing the cost thereof; providing for notice, a public hearing and recourse to the district court for the owners of such structures; designating a "Public Officer" to enforce the provisions of this ordinance and prescribing his duties and authority concerning such structures; and providing penalties for violation of this ordinance.

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

SECTION 1. Whereas, the governing body of the City of Galena, Kansas, has found that there exists within the corporate limits of the City, structures which are unfit for human use or habitation due to defects increasing the hazards of fire or other calamities, lack of ventilation, light or sanitary facilities or other conditions including those set forth in Section 4 hereof, which renders such structures unsafe, unsanitary, or otherwise inimical to the welfare of the residents of said City, and it is hereby deemed necessary by said governing body to require or cause the repair, closing or demolition or removal of such structures in the manner hereinafter provided.

SEC. 2. Definitions. For the purpose of this ordinance, certain terms and words are hereby defined as follows:

(1) Structures: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

(2) Residential Structures: Any building, dwelling or structure, or part thereof, used and occupied for human habitation or intended to be used and including any appurtenances belonging thereto or usually enjoyed therewith.

(3) Non-residential Structures: Any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than non-residential purposes, and, where applicable, the premises on which such structures are situated.

(4) Public Officer: Such person appointed by the governing body to exercise the authority and conduct proceedings in accordance with this ordinance.

SEC. 3. That whenever a petition is filed with the Public Officer by at least five (5) residents of the municipality charging that any structure is unfit for human use or habitation or whenever it appears to the Public Officer (on his own motion) that any structure is unfit for human use or habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of

record, and all parties in interest in such structure (including persons in possession) a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the Public Officer or his designated agent at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Public Officer or such agent.

That if, after such notice and hearing, the Public Officer determines that the structure under consideration is unfit for human use or habitation, he shall state in writing his findings of facts in support of such determination and shall issue and cause to be served upon the owner thereof an order which,

(a) If repair, alteration or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure, which cost shall not exceed fifty percent (50%) of the fair market value of such structure, the owner of the said structure shall within the time specified in the order, repair, alter or improve such structure to render it fit for human use or habitation or shall vacate and close the structure until conformance with this ordinance is met; or

(b) If the repair, alteration or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure, that is to say, fifty percent (50%) or less of the fair market value of such structure, which percentage is hereby deemed to be a reasonable standard by which to require either repair, alteration or improvement, or removal or demolition, the owner shall within the time specified in said order remove or demolish such structure.

That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the Public Officer may cause such structure to be repaired, altered or improved, or to be vacated and closed.

That, if the owner fails to comply with an order to remove or demolish the structure, the Public Officer may cause such structure to be removed or demolished.

That the amount of the cost of such repairs, alterations or improvements or vacating and closing, or removal or demolition by the Public Officer, shall be a lien against the real property upon which such cost was incurred and such lien, including as part thereof allowance of his costs and the necessary attorney fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located, and the City Clerk shall at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the County Clerk shall extend the same on the tax rolls of the County against said lot or parcel of land. If the structure is removed or demolished by the Public Officer, he shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the Public Officer after

deducting the costs of such judicial proceedings, including his necessary attorney fees incurred therein, as determined by the Court.

SEC. 4. The Public Officer may determine that a structure is unfit for human use or habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such buildings or other residents of the City, or which have a blighting influence on properties in the area. Such conditions may include the following, without limitations: defects therein increasing the hazard of fire, accident, or other calamities; lack of adequate ventilation; air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; overcrowding; inadequate ingress and egress; dead and dying trees, limbs or other unsightly natural growth; unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage; failure to meet the minimum housing (structure) standards established by Ordinance No. 881; or any violation of health, fire, building or zoning regulations or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

SEC. 5. Complaints or orders issued by the Public Officer pursuant to this ordinance shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Officer in the exercise of reasonable diligence, and the Public Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper. A copy of such complaint or order shall also be posted in a conspicuous place on the premises affected by the complaint or order, and another copy of such complaint or order shall also be filed with the Clerk of the District Court of Cherokee County, Kansas, and such filing of the complaint or order shall have the same force and effect as other *lis pendens* orders provided by law.

SEC. 6. Any person affected by an order issued by the Public Officer may petition the District Court of Cherokee County, Kansas, for an injunction restraining the Public Officer from carrying out the provisions of the order, and the Court may, upon such petition, issue a temporary injunction restraining the Public Officer, pending the final disposition of the cause; provided however, that such person shall petition such Court within thirty (30) days after the posting and service of the order of the Public Officer. Hearings shall be had by the District Court on such petitions as provided by K. S. A. 17-4759 as amended. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the Public Officer shall be entitled to recover any damages for action taken, pursuant to any order of the Public Officer or because of compliance by such person with any order of the Public Officer.

SEC. 7. The Public Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers, in addition to others herein granted:

(1) To investigate the structure conditions in the City in order to determine which structures therein are unfit for human use or habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this ordinance; and

(5) To delegate any of his functions and powers under this ordinance to such officers, agents and employees as he may designate.

SEC. 8. For the purpose of determining compliance with the provisions of this Code, the Public Officer or his authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property may enter dwellings, multiple dwellings, rooming units, or premises, during all reasonable hours; provided, in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, the above limitations shall not apply.

In the event of the refusal of the occupant or the owner of unoccupied property to allow such inspection, examination and survey to determine compliance with the provisions of this Code, the Public Officer shall petition a court of record or a municipal court in the City or in the County, and shall show probable cause by virtue of evidence, oath or affirmation, that a substantial violation to this Code exists, and request legal and property right to enter subject premises for the purpose of inspection.

This section shall in no manner violate or curtail the rights of the citizens as provided in Amendment 4 of the Constitution of the United States of America, as regarding rights against the unreasonable searches and seizures, and the issuing of warrants without probable cause.

Every occupant of a dwelling shall give the owner thereof or his agent or employee, access to any part of such dwelling, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Code or with any rule or regulation adopted and promulgated, or any order issued pursuant to the provisions of this Code.

SEC. 9. It shall be unlawful for any person, firm or corporation to hereafter occupy for or any owner or agent thereof to permit the occupation of any residential structure, or addition thereto, for the purpose of living therein until a certificate of occupancy has been issued by the Public Officer. The certificate of occupancy so issued by the Public Officer shall state that the structure complies with the provisions of this ordinance relating to defects increasing the hazards of fire which renders such

structures unsafe and inimical to the welfare of the residents thereto. This section shall not apply to any occupancy in existence at the time of the adoption of this ordinance.

The fee for said occupancy permit shall be \$5.00 for each dwelling unit occupied for the first inspection; in the event that it is necessary that the Public Officer make more than two (2) inspections of any one structure for the same occupancy permit, he shall assess an additional fee of \$5.00 for each inspection, beyond the first two (2) such inspections.

SEC. 10. Nothing in this ordinance shall be construed to abrogate or impair the powers of the Courts or of any department of the City of Galena to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this ordinance shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K. S. A. 12-1750 through K. S. A. 12-1756, both sections inclusive, as amended.

SEC. 11. It shall be unlawful for any person, corporation, association, partnership or individual to fail to comply with any lawful orders issued pursuant to the provisions of this ordinance. Any person convicted of a violation of this ordinance shall, upon conviction, be fined not less than \$5.00 nor more than \$100.00, or be imprisoned in the City Jail for not less than 5 days nor more than 3 months; or be both so fined and imprisoned. Each day during or on which a violation occurs or continues shall constitute a separate offense.

SEC. 12. If any part or parts of this ordinance shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this ordinance. The governing body hereby declares that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

SEC. 13. This ordinance is adopted by authority of and under the provisions of K. S. A. 1967 Supp. 17-4759, 17-4759a and Article 12, Section 5(b) and (d) of the Constitution of Kansas.

SEC. 14. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 15TH DAY OF AUGUST, 1972.

Jack N. Murray
Mayor

ATTEST:

Bobby J. LaTurner
City Clerk