

CHAPTER 4. PUBLIC SAFETY

Article 1. Fire Protection - Offenses

Article 2. Fireworks

Article 3. Tree Board; Trees and Shrubbery

Article 4. Unsafe or Dangerous Structures

Article 5. Solid Waste Collection

ARTICLE 1. FIRE PROTECTION - OFFENSES

4-101. INTERFERING WITH THE FIRE DEPARTMENT. No person driving or having charge of any vehicle or animal shall willfully or carelessly permit the same to obstruct, impede or otherwise interfere with the progress or working of any engine, hose truck, hook and ladder truck or other apparatus of a fire department while the same is going to or remaining at a fire.

4-102. RUNNING OVER HOSE. No person shall, at any time, run over or attempt to run over the hose of a fire department with an automobile, motor vehicle, or any other kind of vehicle.

4-103. DISTURBING FIRE ALARM WIRES. No person shall injure, cut, break, dislocate or interfere with any fire alarm wires used by a fire department serving the city without first obtaining permission from the chief of such fire department.

4-104. BLOCKING STREETS AT FIRES. Whenever a fire, or other emergency requiring the attendance of a fire department, shall occur in the City, it shall be lawful for the chief of the fire department, or acting chief of the fire department, to blockade any street, sidewalk, or any other place, if, in his judgment, such blockade is necessary to insure the efficient working of the personnel, vehicles or other apparatus under his command; and, to protect such personnel and equipment from injury, he is hereby authorized to require of the chief of police, or other officer in charge of any police station, a detail of policemen sufficient in his judgment therefor.

4-105. BLOCKING STREETS; BREAKING THROUGH. No person shall break through, or attempt to break through, any blockade established as provided in section 4-104.

4-106. FIREPLUGS AND HYDRANTS. No person, except employees of the water district, firemen, and employees or agents of the City of Westwood Hills, while engaged in carrying out regular duties, shall turn on the valve, open, or in any other way disturb the fireplugs or hydrants within the City of Westwood Hills, without first obtaining permission in writing from both the water district superintendent and the fire chief of the fire district, or their designated representatives.

4-107. LIQUEFIED PETROLEUM GAS. No person shall use liquefied petroleum gas for the purpose of heating any building, hot water heating, lighting or cooking inside any building. For the purposes of this section, the term "liquefied petroleum gas" shall include but not be limited to butane and propane.

4-108. FIRES OR OIL ON PAVED STREETS. No person shall burn any combustible matter of any kind on any paved street within the city. No person shall throw or place any substance likely to injure any paved street upon any street within the City.

4-109. OUTSIDE FIRES PROHIBITED. No person shall ignite any fire outside the exterior walls of any building within the City without a permit from the City Council, except that a fire may be ignited in a container or device expressly for the purpose of cooking food or providing outdoor area heating, such as a patio heater or chiminea. The fuel to be used in any such device will be limited to charcoal briquets or fireplace logs no longer than twenty-four (24) inches in length or a natural gas fire approved by the American Gas Association; provided, that nothing in this section shall be deemed to prohibit burning under a permit issued by the City Council as hereinafter provided.

4-110. PERMITTED FIRES; PERMITS. Upon application made to the City Council and the City Council's determination that such burning is necessary and can be accomplished without undue danger to property or welfare of the City and its citizens, City Council may grant a permit for burning of brush accumulated during land clearing operations. Said permit shall set forth the following information.

- a. Name and address of the permittee;
- b. Location and extent of permitted burning;
- c. Permitted hours of burning;
- d. Dates of beginning and end of operation.

Such permits shall not be transferrable and shall be signed by the City Clerk.

4-111. PERMITTED FIRES; CONDITIONS. All outside fires for which a permit has been issued by the City Council shall be supervised by and attended by a responsible person or persons at all times. Such person or persons shall have a garden hose attached to a water supply near the fire at all times, and the fire must be extinguished one (1) hour before leaving the said burning location. If at any time during the life of the permit, the City Council or the Mayor should determine, either by reason of change in conditions of weather and/or surrounding circumstances or by reason of violation of any kind set forth herein or attached to the permit, that such burning should cease, the permit may be immediately revoked by the City Council or the Mayor by giving notice to the permittee or to the person supervising or attending the fire.

4-112. PAINT REMOVAL. No person shall use any flame producing device including torches or other special tools for the removal of paint from the exterior or interior of any building or structure unless he shall provide at the scene of operations a hose connected to the water supply on the premises or an approved fire extinguisher. All such flame producing devices shall be extinguished at least one (1) hour prior to vacating the premises.

4-113. ASH AND CINDER STORAGE. No person shall deposit hot ashes, cinders, coals or any grease or oil permeated substances liable to spontaneous combustion into any combustible receptacle, or within ten feet (10') of any combustible materials; provided that such storage shall be permitted in approved covered metal receptacles, said receptacles resting in racks or on noncombustible surfaces separated by a minimum of two feet (2') from any combustible wall, partition or exterior wall opening.

4-114. HAZARDOUS ACCUMULATION. No person shall permit the accumulation upon any property within the City of any combustible or flammable waste or permit the growth of any natural material when same endangers the property. Such accumulations shall be cut down and/or removed by the owner or the occupant of the property.

4-115. COMBUSTIBLE MATERIALS: HANDLING, STORAGE. No person making, storing, using or having under his control any combustible waste materials shall fail or neglect at the close of each business day to have all material compactly baled and stacked in an orderly manner or stored in suitable fireproof receptacles or removed from the building so as not to endanger egress from said building. Additionally, no person shall permit any combustible waste materials to become a fire hazard to the property where stored nor to any adjacent property. It shall be the duty of the owner or occupant of the property where such accumulations exist to make arrangements for daily disposal or to install such baling or storage units as will meet with the approval of the chief of the fire district.

4-116. DECORATIVE MATERIALS: FLAME PROOFING. In all use districts as defined by the prevailing zoning regulations of the City of Westwood Hills, except residential, restricted to private use and not open to the public or used in common, no decorative materials shall be installed, maintained or permitted, which shall not have been flame proofed.

4-117. OPEN FLAME; RESTRICTIONS. No person shall take into, nor shall ignite within the confines of, any place in which explosive, combustible or highly flammable material is stored, used or present, any device containing an open flame, unless such device shall be an approved device equipped with safety enclosure.

4-118. MARKING OF SHAFTWAYS. Every opening in the exterior wall of any building or structure which opens directly into any shaftway shall be plainly marked on the exterior thereof, with the words "Open Shaftway" in red letters placed upon a white background. Said lettering shall be of such height as to be readable from ground level and in no case less than six inches (6") in height. Every opening into such shaftway from the interior of the building, unless its use is clearly obvious from the surroundings, shall be marked in the same way.

4-119. TRAPDOORS. No person shall permit to remain open, after the close of the business day, any trapdoor except those which are automatic in their operation.

4-120. PENALTY. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$500.00 or by imprisonment for a term of not more than 179 days, or both such fine and imprisonment.

ARTICLE 2. FIREWORKS

4-201. DEFINITIONS. Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, any type of balloons or device which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers, or other devices containing any explosive or flammable compound, or any tablets or other device containing any explosive or potentially explosive or dangerous chemical substance. Notwithstanding the

foregoing, the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with regulations issued by the Surface Transportation Board or the Federal Motor Carrier Safety Administration for packaging and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of all of which shall be permitted at all times.

4-202. MANUFACTURING OF FIREWORKS. The manufacture of fireworks is prohibited within the City.

4-203. SALE OR USE OF FIREWORKS. Except as hereinafter provided, it shall be unlawful for any person to store, offer for sale, sell at retail or wholesale, possess, use or explode any fireworks within the City.

4-204. SUPERVISED PUBLIC DISPLAY OF FIREWORKS BY CITY, HOMES ASSOCIATION OR OTHER ORGANIZATIONS. The supervised public display of fireworks by the City, homes association or other organization is prohibited, except upon prior approval by the Governing Body. Any application for a permit for such display shall be made in writing to the Governing Body and filed with the City Clerk at least thirty (30) days in advance of the date of the proposed display. Should the Governing Body grant a permit for a public display of fireworks, every such display shall be handled by a competent operator approved by the chiefs of the police and fire district and be of such a character, and so located, discharged or fired so as in the opinion of the chief of the fire district, after proper inspection, not to be hazardous to property nor endanger any person. The chief of the fire district shall have power to adopt reasonable rules and regulations for such displays. Sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

4-205. DISPOSAL OF UNFIRED FIREWORKS. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

4-206. EXCEPTIONS. Nothing in this article shall be construed to prohibit the use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

4-207. SEIZURE OF FIREWORKS. The chief of the fire district or chief of police shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

4-208. PENALTY. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$500.00 or by imprisonment for a term of not more than 179 days, or both such fine and imprisonment.

ARTICLE 3. TREE BOARD; TREES AND SHRUBBERY

4-301. DEFINITIONS.

"Street Trees" shall mean trees, shrubs, bushes or tree materials located upon land lying within seven (7) feet of the front or side property lines along a street, which location is commonly referred to as the City right-of-way.

"Park Trees" shall mean all trees, shrubs, bushes or tree materials located on any property owned by the City.

"Private Trees" shall mean all trees, shrubs, bushes or tree materials located within the City other than Park Trees. Street Trees may also be Private Trees.

4-302. CREATION OF CITY TREE BOARD. There is hereby created and established the City Tree Board of the City of Westwood Hills, Kansas, consisting of seven (7) members, who shall be the Mayor, five (5) City Council Members, and the City Clerk.

4-303. TERM OF OFFICE. The terms of service of the Mayor and City Council members will be commensurate with their elected term of office. The term of the City Clerk position on the Board shall coincide with the term of his or her appointment as City Clerk. In the event that a vacancy shall occur during the term of any Tree Board member, his or her successor shall be selected as otherwise provided for the filling of the vacancy in the elected or appointed position likewise vacated by such member.

4-304. COMPENSATION. Members of the Board shall serve without compensation.

4-305. DUTIES AND RESPONSIBILITIES. The Board shall study, investigate, consider, develop and administer a comprehensive written tree plan for the selection, planting, care, removal and disposition of trees and shrubs located in City right-of-way and on land owned or controlled by the City.

Such comprehensive tree plan shall be reviewed annually, and any changes shall be presented to the City Council for consideration. Upon its acceptance and approval, such plan shall constitute the official comprehensive city tree plan for the City of Westwood Hills, Kansas.

The Board, when requested by the City Council, shall consider, investigate, make findings, report on and make recommendations upon any special matter or questions coming within the scope of its work.

4-306. OPERATION. The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

4-307. TREE SPECIES TO BE PLANTED. The City shall maintain a list of recommended trees for planting in public areas which shall be known as the Official City Tree Species List for the City of Westwood Hills, Kansas. No species other than those included in this list may be planted as Park Trees or Street Trees without written permission of the City Council. This list shall also be available to residents of the City upon request, in order to aid in the selection of Private Trees. The list may be updated periodically by the City Council.

4-308. SPACING AND DISTANCES FOR PLANTING. Street Trees, other than shrubs and bushes, may be planted no closer together than fifteen (15) feet from each other except in special plantings approved by the City Council or the Tree Board. No tree shall be planted closer than ten (10) feet to any fire hydrant nor closer than four (4) feet to any public sidewalk, without first obtaining written permission from the City Council or the Tree Board. Additionally, no tree shall be planted closer than five (5) feet to any public overhead utility lines or any public underground water line, sewer line or other utility line.

4-309. TREE CARE AND TREE REMOVAL.

- a. The City shall have the right to plant, maintain and remove Park Trees in order to ensure public safety and to preserve and improve the beauty of public grounds.
- b. In the case of dead or diseased Park Trees, the Governing Body shall cause the removal or treatment thereof within a reasonable time after determining such tree is dead or diseased and pay the cost of such removal or treatment from the general fund or other proper fund of the City.
- c. Property owners, at their own expense, shall have the right and the responsibility to perform normal tree maintenance on all Street Trees located on their property as well as all other Private Trees located on their property.
- d. The City may remove or order the removal of any dead or diseased tree, including Private Trees, within the City limits. Additionally, the City may remove or order removal of any tree, including Private Trees, which is in an unsafe condition or which by reason of its nature is injurious to public sewers, public electric power lines, public gas lines, public water lines or other public improvements.
- e. The City Clerk will notify the owner of the property on which the dead, diseased or unsafe tree is located of the property owner's responsibility to remove such tree. Such notice shall be provided by a certified mailing to the owner's last known address, by delivering such notice personally to the owner or by the posting of a notice on the property. Removal of the tree shall be accomplished within ten (10) days from the date the notice is mailed, personally delivered or posted. In the event the owner of the property upon which the tree is located does not remove such tree within ten (10) days, then the City may arrange for removal of that tree and charge the cost of such removal to the owner of that property. Payment of such costs shall be due and payable within 30 days following the date on which the City Clerk mails the bill for the removal costs to the property owner. If the costs are not paid within the 30 day period, then the costs, including any staff costs and attorneys' fees incurred in connection with recovering such costs, shall be assessed as a special assessment against the lot or parcel of land on which the tree was removed. At the time of certifying other city taxes, the City Clerk shall certify the unpaid portion of such costs, and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land.
- f. For purposes of this Chapter, "diseased trees" are defined as trees that may be hazards to life or property or harbor insects or disease which represent a threat to other trees within the City. A diseased state may be determined by any

competent City authority, or competent state or federal authority when requested by the Governing Body of the City, filing with the Governing Body a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon any property within the City are infected or infested with or harbor any tree or plant disease or insect pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or destruction of other trees or shrubs in the community.

4-310. PREVENTIVE MEASURES OR TREATMENT BY CITY, WHEN; COSTS. When it appears that there is or is likely to be a general infection or infestation of the trees or shrubs within the City by tree or plant disease or insect pest or larvae resulting in damage to or the death of many trees or shrubs, the Governing Body may provide such preventive measures or treatment as may be necessary and may pay the cost from the general fund or other proper fund. (Ref. K.S.A. 12-3205)

4-311. CLEARANCES OVER STREETS AND WALKWAYS. Clearance over streets and walkways shall be the responsibility of the property owner. A clearance of eight (8) feet must be maintained over public sidewalks and a clearance of fourteen (14) feet must be maintained over public streets. The City may trim Street Trees located on private property but is not required to do so.

4-312. TREES AND SHRUBS BORDERING SIDEWALKS AND STREETS. All trees, hedges, bushes or shrubbery bordering any street, alley or public sidewalk within the City shall be properly trimmed by the owner of the property on which the hedge, bush, shrub or tree is located and shall be pruned so as to keep the street, alley or sidewalk unobstructed. In the event the owner shall not trim or prune so as to keep the street, alley or sidewalk unobstructed, then the City may cause such tree, hedge, bush or shrub to be trimmed or pruned and certify the cost thereof to the county clerk as provided in Section 4-309(e) hereof. Additionally, the owner of any property abutting any street, alley or public sidewalk within the City shall be required to remove any dead tree, dead branches, dead limbs or dead shrubbery extending over any street, alley or public sidewalk.

4-313. TRAFFIC HAZARD. If the chief of police determines that any tree or shrubbery located on any private property abutting any street, alley or public sidewalk constitutes a traffic hazard because it dangerously obstructing the view of drivers of vehicles or traffic entering a street from an intersecting street, then the chief of police shall notify the owner of such abutting property to remove such tree or shrubbery, and it shall be the duty of the owner to remove the same.

4-314. ABATEMENT OF NUISANCES; ASSESSMENT OF COSTS. The Governing Body shall have the power to have removed or abated from any lot or parcel of ground within the City any and all nuisances, including rank grass, weeds, or other vegetation, and shall have the power to cause to be drained any creek, pond or ponds of water, at the cost and expense of the owner of the property on which the nuisance is located, whenever any board of health used by the City shall file with the City Clerk its statement in writing that such nuisance, rank vegetation, creek, or pond of water, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City, or in the event the City does not use a board of health, whenever the Governing Body shall by resolution make such determination.

The City Clerk shall forthwith issue notice requiring the owner or agent of the owner of the premises to remove and abate from said premises the thing or things therein described as a nuisance within a time, not exceeding ten (10) days, to be specified in the notice. The notice shall be served by personal service, by delivering a copy thereof to the owner, occupant or agent of such property, or if the same be unoccupied and the owner a nonresident, then by mailing a notice to his or her last known address. If the owner, occupant or agent shall fail to comply with the requirement of said notice for a period longer than that set forth in the notice, then the City shall proceed to have the things described in said notice removed and abated from said lot or parcel of ground, and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. The City Clerk shall certify the cost thereof to the county clerk as provided in Section 4-309(e) hereof.

4-315. NUISANCE PER SE.

- a. It shall be a public nuisance and unlawful to harbor any tree or plant or shrub infected or infested with disease or insect pest or larvae. It shall also be a public nuisance and unlawful to store or otherwise harbor, on any property within the City, the material from any diseased or infected trees. Upon failure of the owner to remove such infected, infested or diseased trees, shrubs or other growth, pursuant to the procedure set forth in Section 4-309(e) hereof, the City shall cause the work to be done, and the cost for such work shall be assessed against the property as provided in Section 4-309(e).
- b. It shall also be a nuisance per se and unlawful to fail to remove a dead tree or the debris left by a dead tree. Pursuant to the procedure set forth in Section 4-309(e), the City may cause the removal of any dead tree or debris and cause the cost of such removal to be assessed against the property.

4-316. WEEDS, DESTRUCTION; SPECIAL ASSESSMENT. The Governing Body is hereby authorized to provide for and require the cutting or destruction of all noxious weeds on lots or pieces of land within the City. Whenever the occupant, owner or agent shall refuse to cut or destroy such weeds, after five days' written notice by the City Clerk, the City shall cut or destroy such weeds as aforesaid and shall keep an account of the cost of same and report to the City Clerk. The City may levy a special assessment for such cost against the lot or piece of land in the same manner as provided for in Section 4-309(e). Grasses or weeds, other than ornamental grasses, in excess of ten (10) inches in height are deemed to be noxious weeds. (K.S.A. 12-1617f)

4-317. TREE TOPPING. No person shall top any Park Tree. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storm or other causes, or trees under utility wires or other obstructions where other pruning practices are impractical, may be exempt from the prohibitions of this section at the determination of the Tree Board or the City Council. Pruning practices shall conform to current ANSI A300 standards.

4-318. REMOVAL OF STUMPS. All stumps of Park Trees and Street Trees shall be ground below the surface of the earth and the area covered with grass seed or sod or other appropriate ground cover.

4-319. ACCESS. It shall be unlawful for any person to prevent, delay or interfere with access by the City or by City agents to trees maintained by the City.

4-320. INJURING TREES AND SHRUBS. No person shall willfully break, cut, take away, destroy, injure or mutilate, or attempt willfully to break, cut, take away, destroy, injure or mutilate, any Park Tree, vine, flower or landscaping standing, growing or being on any public ground.

4-321. PENALTY. Anyone upon conviction of violating any of the provisions of this Article shall be fined in an amount not exceeding \$500.00. Each day a violation exists shall constitute a separate offense. The penalty provisions hereof shall be in addition to the remedies provided in Section 4-309.

ARTICLE 4. UNSAFE OR DANGEROUS STRUCTURES

4-401. REPAIR OR REMOVAL OF UNSAFE OR DANGEROUS STRUCTURES; DEFINITIONS. The following words and phrases when used in this Article shall, for the purpose of this Article, have the meanings respectively ascribed to them in this section:

- a. "Structure" shall mean and include any building, wall or other structure; and
- b. "Enforcing officer" shall mean the city building inspector or other officer as may be appointed by the Mayor, with the consent of the Council, and charged with the administration of the provisions of this Article. (Ref. K.S A. 12-1750)

4-402. POWERS OF GOVERNING BODY. The Governing Body shall have power to cause the repair or removal of, or to remove, any structure located within the City which may have become unsafe or dangerous. (K.S A. 12-1751)

4-403. REMOVAL OF UNSAFE STRUCTURES; FILING STATEMENT; NOTICE AND HEARING; REQUIREMENTS. Whenever the enforcing officer shall file with the Governing Body of the City a statement in writing that any structure, describing the same and where located, is unsafe or dangerous, said Governing Body shall by resolution fix a time and place at which the owner, his or her agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published in the official city paper once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of said resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at his, her or its last known place of residence, and shall be marked "deliver to addressee only." If the owner is a resident of Johnson County, the resolution may be personally served on such owner or delivered to the owner's last known address in lieu of mailing the same, and, in this case, at least two (2) weeks shall elapse between the service on such owner and the date set for the hearing. (K.S A. 12-1752)

4-404. FINDINGS; RESOLUTION; CONTENTS; NOTICE. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, his or her agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the Governing Body of the City shall find that such structure is

unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed. (K.S A. 12-1753)

4-405. DUTIES OF OWNER AFTER REMOVAL OF STRUCTURE. The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition. (K.S A. 17-1754)

4-406. REMOVAL OF STRUCTURE, WHEN; CERTIFICATION; SALVAGE, SALE; REMOVAL COSTS ON TAX ROLLS; NO-FUND WARRANTS; TAX LEVIES. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed diligently to prosecute the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay all costs shall, after the payment of all costs, be paid to the owner of the premises upon which the structure was located. If there is no salvageable material or if moneys received from the sale of salvage are insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lot or parcel of land on which the structure was located. 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.

Whenever any structure shall be removed from any premises under the provisions of this act, the City Clerk shall certify to the county assessor that such structure, describing the same, has been so removed.

If there is no salvageable material or if the moneys received from the sale of salvage are insufficient to pay the costs of the work, such costs or any portion thereof in excess of that received from the sale of salvage may be financed, until the assessment is paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act, the Governing Body shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the Kansas Statutes Annotated and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S. A. 79-2940, except they shall not bear the notation required by said section and may be issued without the approval of the state board of tax appeals. All moneys received from special assessments levied under the provisions of this section shall, when and if paid, be placed in the general fund of the City. (K.S A. 17-1755)

4-407. IMMEDIATE HAZARD; ACTION TO PROTECT PUBLIC; NOTICE NOT REQUIRED; COST. When, in the opinion of the enforcing officer, any structure is in such

condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay, and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders, and occupants. The costs of any such action shall be assessed against the property and paid in the manner provided in Section 4-406. (K.S.A. 12-1756)

4-408. PENALTY. Anyone upon conviction of violating any of the provisions of this Article shall be fined in an amount not exceeding \$500.00. The penalty provisions hereof shall be in addition to the remedies provided in Sections 4-406 and 4-407.

ARTICLE 5. SOLID WASTE COLLECTION

4-501. DEFINITIONS. For the purposes of this Article, the following terms, phrases, words and their derivation shall have the meanings given in this Section:

- a. "Solid Waste" means unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, yard wastes and discarded appliances.

4-502. REGULATION OF SOLID WASTE COLLECTION, HOURS. No person, firm, organization or business shall use the streets of the City or otherwise engage in the collection of solid waste within the City between the hours of 9:00 o'clock p.m. and 7:00 o'clock a.m.

4-503. PENALTY. Any person violating the provision of this Article, upon conviction thereof, shall be punished by a fine in an amount not exceeding \$499.00 or confinement in the county jail for a period not to exceed 30 days, or by both such fine and confinement.