

FAILED

(First Published in the Columbus News Report _____, 2016)

ORDINANCE NO. 1368

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, ESTABLISHING A VEHICLE RESTORATION ORDINANCE FOR THE CODE OF ORDINANCES OF THE CITY OF COLUMBUS, KANSAS, CHAPTER VIII, SECTION 8-314, TO PROVIDE PERMITS FOR VEHICLES THAT ARE BEING RESTORED.

WHEREAS, Chapter VIII, Section 8-314 shall be added to the Code of Ordinances of the City of Columbus, Kansas, as adopted by the City Council, to establish a permit fee and quota system for property owners or occupants who restore vehicles.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS.

SECTION 1: That Chapter VIII, Section 8-314 of the Code of the City of Columbus, Kansas, shall be established as follows:

8-314 GENERAL PROVISIONS. Restoration Permits shall be available on a limited basis and for a limited time to property owners or occupants within the City of Columbus who are actively restoring vehicles which would otherwise be subject to the rules regarding inoperable vehicles, defined at Chapter VIII, Section 8-302. Vehicles and restoration materials are exempt when stored in an enclosed garage or building.

- a. City quota and permit system.
 - (1) Only 25 permits will be outstanding at any one time within the City. The permit holder may have only 1 permit at a time and no more than 2 permits for the same property in the same calendar year.
 - (2) Any request for a permit that is denied due to the City quota restriction shall be placed on a first-come / first-serve list for the next available permit.
 - (3) Permits will be valid for 90 days with a possible additional 90 days for the second permit, not to exceed 180 days per restoration project.
 - (4) Applicants shall complete a Vehicle Restoration Permit Application form available from the City Clerk at City Hall during normal business hours.
- b. Permit fees. The permit fee shall be set at \$30. for each 90 day permit.
- c. Restoration Permit conditions and requirements.
 - (1) The vehicle should be stored on a hard surface in the front yard or in the back yard adjacent to a garage or tool shed.
 - (2) The vehicle should have a cover when restoration work is delayed.
 - (3) Parts and supplies for the restoration project should be stored in a secured indoor area.

- d. Failure to comply.
 - (1) A permit may be revoked for failure to comply with the conditions or requirements listed above. Revocation shall disqualify the property owner or occupant from obtaining a permit for 3 years.
 - (2) Upon receiving a complaint regarding the restoration project, the public officer may make inquiry, inspect the conditions, and make a written report of his or her observations and findings.
 - (3) The public officer has the right of access and entry upon private property at any reasonable time, to the extent allowed by law, for the purpose of making inquiry and inspection to determine if a nuisance exists. (Sections 8-302 and 8-306).
- e. Penalty - noncompliance with permit conditions and requirements
 - (1) Any holder of a restoration permit cited for noncompliance of conditions or requirements of the permit shall be given notice of such violation by certified mail, return receipt requested, or personal service by the public officer.
 - (2) He or she shall have 14 days from the date of service to abate the conditions , or
 - (3) He or she shall have 14 days from the date of service to request a hearing on the matter before the governing body, or
 - (4) Failure to abate the condition or to request a hearing within the time allowed may result in abatement and/or prosecution under Chapter VIII, Article 2, HEALTH NUISANCES, Section 8-201, *et. seq.*

SECTION 2: All ordinances, resolutions or policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 3: This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

PASSED and APPROVED by the Governing body this _____ day of _____, 2016.

ATTEST:

DEXTER OPELA, MAYOR

CHERRI CHANCELLOR, CITY CLERK

(SEAL)