

Code Compliance Process

Overland Park strives to maintain a minimum standard of exterior property condition and land use that meets the expectations of our residents for property value preservation, attractive and pleasing neighborhoods and an enjoyable lifestyle.

The Code Compliance Process is administered by Community Services. For more information call 913/895-6270 or visit the City's Web site at www.opkansas.org.

The City will respond to complaints by conducting inspections and when a violation exists a notice will be left or mailed to initiate code compliance.

A progressive enforcement approach is followed. Citizens are educated on code requirements. For conditions that violate the ordinances, citizens will be given notices and time to correct. When necessary, the City may issue Notices to Appear in Municipal Court or hire contractors to correct violations or both.

Reporting Possible Code Violations

When you see a possible property maintenance code violation, you have more than one option:

1. Talk to your neighbor. Most neighbors will appreciate being notified of a problem so it can be corrected before a complaint is registered.
2. If this does not resolve the problem, contact Community Services at 913/895-6270 or on our City Web site at www.opkansas.org. You must provide:

- the exact address of the property with the violation
- the nature of the violation

Staff policy is to act on anonymous complaints only when contact with the property owner is not required to conduct an investigation. If you would like us to take action on a report that may require contact with the owner, we must have:

- Your name and address;
- Your phone number or e-mail (in case we have any questions or can't locate your concern). Your personal information is kept confidential.

This information is kept confidential and will not be divulged by the Code Compliance Officer.

Once a possible violation has been reported, a Code Compliance Officer will begin the code compliance process.

Code Compliance Process and Enforcement Options

Code complaint cases are started either by observation of an inspector or by receiving a complaint from a citizen, visitor or another city staff member. After a complaint has been made, a Code Compliance Officer will visit the property, generally within several business days, to determine if the owner has violated a city ordinance or code such as the property maintenance, zoning, nuisance or health codes.

When a violation exists, the Code Compliance Officer will leave a notice on the door and/or mail a copy to the property owner. The notice

will identify the violation(s) and specify a date when all cleanup and repairs should be completed and a re-inspection will be scheduled for that date.

Letter of Intent to Correct

When weather conditions, financial difficulties, family illness, or other legitimate circumstances occur preventing an owner from completing correction by the re-inspection date, the Code Compliance Officer has the option to accept a Letter of Intent to Correct which will extend the re-inspection date. In order to obtain a Letter of Intent, the property owner must contact the Code Compliance Officer and request a Letter of Intent, before the re-inspection date. If the Code Compliance Officer believes the extension date being requested is reasonable, the Letter of Intent form must be signed and returned to the Community Services office prior to the deadline date listed on the Letter of Intent.

Failed Inspection Fees, Abatement Work Orders, and Notice to Appear

Failure to correct the violation(s) within the specified time frame required will result in a failed inspection fee of \$140.00 to be charged to the owner of record. The City will charge the owner of record an additional \$140.00 for each failed inspection hereafter, until the violation(s) are corrected.

Failure to pay the charges listed on the Notice of Cost within 30 days will result in the property owner being charged an additional \$70 as an administrative late fee.

The Code Compliance Officer also may take any or all of the following enforcement actions:

The Code Compliance Officer may choose to issue a Mandatory or Non-Mandatory Notice to Appear in Municipal Court. These notices can be issued to a property owner, a person in control of a property or a tenant.



- a. Mandatory Notice to Appear in Municipal Court
 - The defendant is required to appear in Municipal Court before a Municipal Judge on the date designated on the Notice to Appear Form.
- b. Non-Mandatory Notice to Appear in Municipal Court
 - The defendant has the option of waiving their court appearance and pleading "no contest" or "guilty" and can mail the fine amount listed on the reverse side of the Non-Mandatory Notice to Appear to the Municipal Court.
 - This type of ticket is reserved for scheduled fine violations.

- The property owner, person in control of the property and/or tenant is subject to receive a Mandatory Notice to Appear in Municipal Court. The fine for this type of violation can be up to \$500 per violation, per day.

The cost of the work order, the \$100 administrative fee and the failed inspection fee(s) will be billed to the property owner and, if not paid, will be assessed to the property on the tax rolls of Johnson County as a special tax assessment.

For questions or assistance, please contact Community Services at 895-6270.

Scheduled fine violations are violations with a pre-set fine for a guilty finding. This fine automatically increases if the defendant is found guilty for the same violation a second time.

Should it become necessary to issue a third ticket for the same violation, a Mandatory Notice to Appear in Municipal Court will be issued. You are then required to appear in front of a Municipal Judge. The fine amount for a guilty finding on a third offense of the same violation is at the Judge's Discretion, and may carry a fine of up to \$500 for each day the violation remains uncorrected.

After proper notification, a Code Compliance Officer may issue a work order to correct or remove a violation from a property. A work order might be issued for example in a case of tall weeds and grass or for removing trash and debris stored on a property. When the City abates a violation by a work order:

- The property owner is responsible for the cost of the work and a \$100 administrative fee.

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<http://www.opkansas.org>

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Community Services

Guidelines for Residents



Planning and Development Services Department

OVERLAND PARK
 K A N S A S

ABOVE AND BEYOND. BY DESIGN.