



City of Lawrence

PLANNING & DEVELOPMENT SERVICES

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Notice of a Nuisance

January 5, 2017

Sunrise Green LLC
Attn: Chris Black
464 E. 1750 Rd.
Baldwin City, KS. 66006

RE: 1501 Learnard Ave. – Wood Fired Furnace

Dear Mr. Black,

As you are aware after speaking with Scott McCullough, our office has received multiple complaints of excessive smoke emitting from the outdoor wood-fired furnace's stainless steel chimney that is located on the southwest part of the property at 1501 Learnard Ave. Our office approved the installation of the furnace through the issuance of a building permit (#1-16-00540) on May 2, 2016. Recent site visits by staff have confirmed that there is a significant amount of smoke being produced by the wood-fired furnace that is negatively impacting the air quality of the surrounding neighborhood.

Staff has determined that the current excessive smoke output of the wood-fired furnace has created a violation of the following City Code section:

Chapter 9, Article 2 - Health and Sanitation Code, 9-201 Nuisances Defined; Prohibited

It shall be unlawful for any person to permit, cause, keep or maintain any nuisance, or cause to be committed, caused, kept or maintained any nuisance within the City. Anything dangerous to human health or anything that renders the ground, the water, the air or food hazardous or injurious to human health is hereby deemed and declared to be a nuisance. In accordance with section 9-203(A), the governing body of the City may have removed or abated from any lot or parcel of ground with the City any and all nuisances.

Please be advised:

Per section 9-203(B), you are hereby ordered to cease the use of the wood-fired furnace within 10 days of the date of this notification (**January 15, 2017**). The City may grant an extension of this deadline if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance.



Before the deadline, or any extension thereof, the owner or agent of the property may request a hearing before the governing body or its designated representative.

If the owner or agent fails to comply with the directive of the order for a period longer than the identified deadline, the City may proceed to remove and abate the nuisance from the lot or parcel of ground. If the City abates or removes the nuisance, the City shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City.

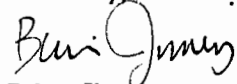
If the cost of such removal or abatement and notice is not paid within thirty days, the costs shall be collected in the manner provided by K.S.A 12-1,115 and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located.

In addition to the removal or abatement, per section 1-112 (General Penalty), the City may pursue a criminal complaint through the City's Municipal Court. Upon guilt, the property owner or agent of the property may be punished by the following:

- (A) A fine of not less than \$1 or more than \$1,000; or
- (B) Imprisonment in the City jail for not more than 180 days; or
- (C) Both such fine and imprisonment not to exceed (A) and (B) above.

Please do not hesitate to contact me if you have questions regarding this matter. I may be reached at 785-832-3111.

Sincerely,



Brian Jimenez
Code Enforcement Manager

CC: Scott McCullough, Director Planning & Development Services
Randall Larkin, Senior City Attorney
Chris Black @ One Heart Farm, 833 E. 675 Rd., Lawrence, KS. 66047