

RESOLUTION 2025-06

Whereas, the City of Downs, Kansas, a municipal corporation has enacted ordinances regulating health nuisances.

Whereas, these ordinances are codified in Chapter VIII Articles 2, 3 and 4 of the Downs, Kansas City Code.

Whereas, the Governing Body of said city has received complaints about the property owned by **Kory L. Horacek a.k.a Korey Lee Horacek at: Lot 1 and the East 20 Feet of Lot 2, Lots 4,5 and 6, all in Block 2, of Beal's first Addition to the City of Downs, Osborne County Kansas. A.K.A. 900, 906 & 908 Osborne St. Downs, KS 67437.**

Whereas, the Governing Body has attempted to work with Mr. Horacek on the removal of all health nuisances on the property

Whereas, the Governing Body sent a notice of abatement served on November 15, 2025 requiring the removal of:

8-201. It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:

- (a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;
- (c) Any place or structure or substance which emits or causes any offensive, disagreeable or nauseous odors;
- (e) All grass or weeds or other unsightly vegetation not usually cultivated or grown for domestic use or to be marketed or for ornamental purposes;
- (g) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood;
- (h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city.

8-303. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.

(a) A motor vehicle nuisance is any motor vehicle which is parked in violation of city ordinance; or incapable of moving under its own power; or in a junked, wrecked or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked or inoperable;

- (1) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
- (2) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway;
- (3) Absence of a current registration plate upon the vehicle.

- 8-408 It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:
- (a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:
 - (1) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;
 - (2) abandoned motor vehicles; or
 - (3) furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property.
 - (4) nauseous substances, carcasses of dead animals or places where animals are kept in an offensive manner.
 - (b) Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated, or unsightly:
 - (1) exteriors of any structure;
 - (2) exteriors of any accessory structure; or
 - (3) fences, walls, or retaining walls.

Whereas, Kory L. Horacek a.k.a Korey Lee Horacek has **NOT** requested a hearing in response to that notice of abatement and no work has been conducted to abate the conditions.

Whereas, evidence was presented to the Governing Body of the City of Downs, Osborne County, Kansas that Kory L. Horacek a.k.a Korey Lee Horacek was, and continues to be, in violation of the above health ordinances.

Now Therefore, Be It Resolved by the Governing Body of the City of Downs, Osborne County, Kansas, that there exists on the property described above a public nuisance to-wit:

- 8-201. It shall be unlawful for any person to maintain or permit any nuisance within the city as defined, without limitation, as follows:
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 - (3) fences, walls, or retaining walls.

Additionally, the owner of the property has 10 days from receipt of this resolution to abate the conditions above. Should the owner fail to abate the conditions the City of Downs, Kansas will proceed to abate the conditions. All costs incurred by the City of Downs, Kansas shall be charged to the owner of the property as allowed by law.


Miranda Robinson, City Clerk


Vienna Janis, Mayor

(SEAL)



CERTIFICATE

STATE OF KANSAS, OSBORNE COUNTY, SS:

I, the undersigned, being duly appointed and qualified City Clerk of the City of Downs, Kansas, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and regularly adopted by the Governing Body of Said City at regular meeting held on the 1st day of December, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 1st day of December, 2025.


Miranda Robinson, City Clerk

(SEAL)

