

ORDINANCE NO. 726

AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER VIII OF THE CODE OF THE CITY OF OGDEN, KANSAS, PERTAINING TO TREES AND SHRUBS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OGDEN, KANSAS:

Section 1. Amendment. That Sections 8-401, 8-402 and 8-403 of the Code of the City of Ogden, Kansas, are hereby amended to read as follows:

8-401 WEEDS TO BE REMOVED. It shall be unlawful for the owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. These provisions shall not apply to the underdeveloped areas within the city that are used as and for agricultural purposes, such as seed or feed crops.

8-402 DEFINITIONS. Weeds as used herein, means any of the following:

- (1) Brush and woody vines shall be classified as weeds;
- (2) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (3) Weeds which bear or may bear seeds of a downy or wingy nature.
- (4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
- (5) Weeds and indigenous grasses on or about residential property, which because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 12 inches in height; and
- (6) Any grass and/or vegetation of any length which is growing in or through cracks or seams of sidewalks within the city.

8-403 PUBLIC OFFICER; NOTICE TO REMOVE. The Governing Body shall designate a public officer to be charged with the administration and enforcement of this article. The owner, occupant, or agent in charge of any premises in the city upon which weeds exist in violation of this article shall be notified in writing, by certified mail, return receipt requested, to their last known address, or by personal service, once per calendar year. Such notice shall include the following:

- (a) That the owner, occupant or agent in charge of the property is in violation of the city weed control law;
- (b) That the owner, occupant or agent in charge of the property is ordered to complete cutting, removal, or destruction of weeds within 10 days of the of notice;
- (c) That the owner, occupant or agent in charge of the property may request a hearing before the governing body or its designated representative

within seven days of the date of this notice;

(d) That if the owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds, regardless of whether the owner, occupant or agent has started to or is in the process of cutting the weeds at the expiration of the 10 days, and assess the cost of the cutting including a reasonable administrative fee in the amount of \$50, the owner, occupant, or agent in charge of the property;

(e) That the owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment;

(f) That no further notice will be given prior to removal of weeds during the calendar year; and,

(g) That the public officer should be contacted if there are questions regarding the order.

Whenever the owner is unknown or is a nonresident, and there is no known resident agent, in lieu of giving notice as provided above, the city may give notice by publication. The notice shall be published once by the city clerk in the official city newspaper.

If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recovery any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title to such property is provided notice as required by this section.

Section 2. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 7th DAY OF MARCH 2018, BY THE GOVERNING BODY OF THE CITY OF OGDEN, KANSAS.



David Ward
DAVID WARD, City Clerk

Robert R Pence
ROBERT PENCE
Mayor