

ORDINANCE NO. 592

AN ORDINANCE REPEALING ORDINANCE NO. 591 FOR WEED CONTROL, DECLARING DEFINED WEEDS A NUISANCE, PROVISIONS FOR NOTICE TO REMOVE, METHOD OF REQUESTING A HEARING, METHOD OF ENFORCEMENT, ASSESSMENT OF COSTS, RIGHT OF ENTRY, UNLAWFUL INTERFERENCE AND PENALTIES THEREFORE, AND NOXIOUS WEEDS

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

SECTION 1. WEEDS TO BE REMOVED. It shall be unlawful for any 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.

SECTION 2. DEFINITIONS. Weeds as used herein, means any of the following:

- (a) Brush and woody vines shall be classified as weeds;
- (b) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (c) Weeds which bear or may bear seeds of a downy or wingy nature;
- (d) 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;
- (e) Weeds and indigenous grasses on or about property within the city limits of the City of Syracuse 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.

SECTION 3. PUBLIC OFFICER; NOTICE TO REMOVE. The City of Syracuse, Kansas, shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner or his or her agent in charge of any premises in the city upon which weeds exist in violation of this ordinance, by restricted mail or by personal service. Such notice shall include the following:

- (a) That the owner, occupant and/or the person in charge of the property is in violation of the city weed control law.
- (b) That the owner, occupant and/or the person in charge of the property is ordered to cut the weeds within 10 days of the receipt of notice.
- (c) That the owner, occupant and/or the person in charge of the property may request a hearing before the governing body or its designated representative within five days of the receipt of notice.
- (d) That if the owner, occupant, and/or the person in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the costs of the cutting including a reasonable administrative cost against the owner, occupant, and/or the person in charge of the property.
- (e) That the owner, occupant, and/or the person 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 the public officer should be contacted if there are any questions regarding the order.

If the owner or his or her agent in charge of the property cannot be served in the above manner, service may be made by publishing one notice in the official city newspaper. If notice is made by publication, the owner, occupant, and/or the person in charge of the property will be ordered to cut the weeds within 10 days from the date of publication.

SECTION 4. ABATEMENT; ASSESSMENT OF COSTS.

(a) Upon the expiration of 10 days after receipt or publication or other service of the notice required by SECTION 3 of this ordinance, and in the event that the owner, occupant or person in charge of the premises shall neglect or fail to comply with the requirements of SECTION 3 of this ordinance, the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby.

(b) The public officer or an assistant shall give notice to the owner, occupant and/or person in charge of such property by restricted mail of the costs of abatement of the nuisance. The notice shall state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. The city clerk shall certify the assessment to the county clerk at the time other special assessments are certified for spreading on the tax rolls of the county.

SECTION 5. RIGHT OF ENTRY. The public officer and the public officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this article.

SECTION 6. UNLAWFUL INTERFERENCE. It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute a violation of this ordinance and any person unlawfully interfering with the public officer or his representative carrying out the duties prescribed for him herein or preventing said public officer or his authorized representative from proceeding with the cutting and destruction shall be guilty of a misdemeanor and fined in any sum not exceeding \$300.00 or by imprisonment for not to exceed five days or both said fine and imprisonment.

SECTION 7. NOXIOUS WEEDS.

(a) Nothing in this article shall affect or impair the rights of the city under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(b) For the purpose of this section, the term noxious weeds shall mean kudzu (*Pueraria Lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quack grass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burragweed (*Franseria tomentosa* and *discolor*), pignut (*Hoffmannseggia densiflora*), musk (*Nodding*), thistle (*Carduus nutans* L.), and Johnson grass (*Sorghum halepense*).

SECTION 8. Ordinance No. 591 is hereby repealed.

Adopted and approved by the City Council of the City of Syracuse, Kansas, on this 3rd day of October, 1988.

Signed and approved by the Mayor of the City of Syracuse, Kansas this 3rd day of October, 1988.

William J. Thomeczek
MAYOR

ATTEST:

Risa DeVaney
CITY CLERK