

(First Published in the Columbus Daily Advocate August 9, 2007)

ORDINANCE NO. 1219

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, AMENDING SECTION 403 OF CITY CODE CHAPTER VIII ESTABLISHING AN APPEAL PROCESS REGARDING WEED NOTICES.

WHEREAS, procedures to notify property owners regarding weeds that create unlawful nuisances are set out in the Columbus City Code, Chapter VIII, Sections 401 through 408.

WHEREAS, the City establishes an appeal process to assist property owners, agents or occupants who seek extensions or adjustments to the City's weed notice and abatement actions when warranted by extraordinary circumstances.

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

SECTION 1: That Ordinance No. 1151, and Section 8-403 of the Columbus City Code 2005 be amended as follows:

OFFICER; NOTICE TO REMOVE. The officer or an authorized assistant shall notify in writing the owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this article, by mail 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 cut the weeds within 5 days of the receipt of notice.

(c) 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 and assess the cost of the cutting, including a \$25.00 administrative fee, against the owner, occupant or agent in charge of the property.

(d) 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.

(e) That no further notice shall be given prior to removal of weeds during the current calendar year; however, if the same property requires the weeds to be cut more than one time, an additional \$25.00 administrative fee will be levied to offset additional costs, in the same manner addressed in section 8-403(d) above.

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

New Subsection (g) That the owner, occupant or agent in charge of the property may appeal the action taken by the City regarding the weed notice and abatement to the City

Administrator and the City Superintendent. The City Administrator and the City Superintendent shall have discretion to extend the time limit for cutting the weeds or adjust the City's costs and fines if extraordinary circumstances warrant an extension or an adjustment. As a last step in the appeal process, the owner, occupant or agent may request a hearing before the City Street Committee.

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 recover 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: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

PASSED and APPROVED by the Governing Body this 6th day of August, 2007.



HARLEY MCDANIEL, MAYOR

ATTEST:



JANICE BLANCETT, CITY CLERK

(SEAL)