

(First Published in the Columbus News Report \_\_\_\_\_, 2019)

**ORDINANCE NO. 1430**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, REVISING CHAPTER VIII, SECTIONS 8-402 and 8-403 OF THE CODE OF THE CITY OF COLUMBUS, TO RE-ESTABLISH ADMINISTRATIVE AND LAW ENFORCEMENT PROCESSES IMPLEMENTING THE CITY'S ABATEMENT ACTIONS AND FINES FOR WEED CONTROL

WHEREAS, standards for the maintenance and control of weeds and grasses within the City of Columbus, Kansas, and abatement procedures for remedial action were established by Ordinance No. 991 and Code 1999, amended by Ordinances No. 1151, Section 2, Ordinance 1219, Ordinance 1235, Ordinance 1288, and Code 2014, at Chapter VIII, Sections 8-401 through 8-408.

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

**SECTION 1:** That Section 8-402 of Ordinance 1151, Code 2005 shall be amended as follows:

8-402. DEFINITIONS.

(a) Weeds as used herein, means any of the following:

1. Brush and woody vines shall be classified as weeds.
2. Weeds and 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 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 twelve (12) inches in height.

**(b) Public Officer shall mean the Community Service Officer, Law Enforcement Officer or other City official authorized to enforce the provisions of Chapter VIII.**

**SECTION 2:** That Section 8-403 of Ordinance No. 1151; Section 2, Ordinance 1219; Ordinance 1235; Ordinance 1288 and Code 2014 be amended as follows:

- 8-403. PUBLIC OFFICER; NOTICE TO REMOVE. The public officer, acting in an administrative capacity, 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 certified 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 **ten (10) days** of the receipt of notice.
  - (c) **That the owner, occupant or agent in charge of the property may appeal the administrative weed notice and action to the City Administrator within ten (10) days of the receipt of the notice, or, if the owner is unknown or a non-resident, and there is no resident agent, 10 days after notice has been published by the City Clerk in the official newspaper. The City Administrator shall have discretion to extend the time for cutting the weeds or adjust the City's costs if extraordinary circumstances warrant an extension or an adjustment.**
  - (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 within thirty (30) days, 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, the public officer is authorized to refer the matter to the Columbus Police Department for enforcement as a violation of the Health Nuisance Code according to Chapter VIII, Article 2 of the Code of the City of Columbus, Ordinance 1397, as amended.**
  - (f) That the public officer or City Administrator should be contacted if there are any questions regarding the notice.

The notice shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and owner is a nonresident, then by mailing the notice by certified mail, return receipt requested, to the last known address of the owner.

If the owner or agent of the owner has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding twenty-four month period, notice of the issuance of any further orders to abate or remove a nuisance from such property may be provided by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

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 3:** All ordinances, resolutions or policies or parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

**SECTION 4:** This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Columbus, Kansas,

this 7<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Grant Spieth, Mayor

ATTEST:

  
\_\_\_\_\_  
Cherri Chancellor, City Clerk

