

ORDINANCE NO. 335

AN ORDINANCE CONCERNING THE REMOVAL OR ABATEMENT OF NUISANCES BY THE CITY OF WATHENA, KANSAS; AUTHORIZING THE DESTRUCTION OF NOXIOUS WEEDS; AUTHORIZING ASSESSMENT OF COSTS THEREFOR; PROVIDING A PENALTY FOR FAILURE TO COMPLY WITH CITY'S DEMAND FOR ABATEMENT OF NUISANCE OR DESTRUCTION OF NOXIOUS WEEDS, AND REPEALING ALL ORDINANCES OF THE SAID CITY IN CONFLICT HEREWITH.

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

SECTION 1. ABATEMENT OF NUISANCES AUTHORIZED AND PROCEDURE THEREFOR. (a) The Governing Body of the City of Wathena is hereby authorized and empowered to have any and all nuisances removed or abated from any lot or parcel of ground within the City of Wathena, including, but not limited to, litter, debris, junk, rank grass, weeds, and other vegetation, and the said Governing Body is further authorized and empowered to cause any pond or ponds of water to be drained, all at the cost and expense of the owner of the property upon which such nuisance or pond is located and as provided in this Ordinance. (K.S.A. 12-1617e)

(b) Whenever the Governing Body determines that any of the conditions described in subsection (a) above exist within the City of Wathena and that the same constitutes a menace or is dangerous to the health of the inhabitants of the City, or any neighborhood, family or resident therein, then the Governing Body shall, by a resolution duly adopted: (i) Describe the conditions constituting the nuisance and state the location thereof, (ii) Determine that the conditions described are a menace or are dangerous to the health of the inhabitants of the City or of any neighborhood, family or resident therein, and that the same constitute a nuisance, (iii) Order and direct the owner of the property upon which the described nuisance is located to remove or abate from the described premises the described thing or things which constitute the nuisance within ten (10) days from date of service of notice to abate or remove, and (iv) Notify the owner of the property upon which the nuisance is located that if such owner or an agent of the owner or the occupant of the property fail to comply with the notice to remove or abate the nuisance within the time required in such notice, then the City of Wathena will proceed to remove and abate the nuisance and cause the cost of such removal or abatement to be assessed and charged against the land from which the nuisance was removed and abated.

(c) Upon adoption by the Governing Body of a Resolution pursuant to Section 1 (b) above, the City Clerk shall forthwith cause a true and complete copy thereof to be served by personal service upon the owner, occupant or agent of the described property upon which the nuisance exists or, if such property be unoccupied and the owner be a non-resident of Doniphan County, Kansas, then by mailing a true and complete copy of such Resolution to such owner at his or her last known address with such mailing to be by Certified Mail marked "Deliver to Addressee Only". Such Resolution, when served or mailed as aforesaid, shall constitute all notice necessary to require the owner or agent of the owner of the premises to remove or abate from such premises the thing or things described as a nuisance in the Resolution and of the time allotted for such abatement or removal.

SECTION 2. DESTRUCTION OF NOXIOUS WEEDS AND PROCEDURE THEREFOR. (a) The Governing Body of the City of ~~Wathena~~ is hereby authorized and empowered to provide for and require the cutting or destruction of all noxious weeds located on lots or pieces of land within said City at the cost and expense of the owner of the property upon which such weeds are located and as provided in this section (2). (K.S.A. 12-1617f)

(b) Whenever the Governing Body determines that noxious weeds exist upon any lots or pieces of land within the City of Wathena and that such noxious weeds should be forthwith cut or destroyed, then, the Governing Body shall, by a Resolution duly adopted: (i) State and describe the location upon which such noxious weeds are located, (ii) Order and direct the owner of the property upon which such noxious weeds are located to cut or destroy all of such noxious weeds at such location within ten (10) days from date of service or publication of notice to cut or destroy such weeds, and (iii) Notify the owner of the property upon which such weeds are located that if such owner or his agent or the occupant of the property shall fail to comply with the notice to cut or destroy such weeds within the time required in such notice, the City of Wathena will proceed to cut and destroy such weeds and cause the cost of such work to be assessed and charged against the land upon which such weeds were cut or destroyed.

(c) Whenever a Resolution shall have been adopted by the Governing Body pursuant to section 2 (b) hereof, the City Clerk shall: (i) Forthwith cause a true and complete copy of such Resolution to be served upon the owner of the land upon which such noxious weeds are located if such owner resides in Doniphan County, Kansas, or has a resident agent therein or (ii) In cases where the owner is unknown or is a non-resident of Doniphan County, Kansas, and there is no resident agent in such County, then such Resolution shall be published one time in the official City paper. Such Resolution, when served or published as before

provided, shall constitute required notice to the landowner to cut or destroy noxious weeds described in the Resolution and the time allotted therefor.

SECTION 3. REMOVAL OF NUISANCE OR CUTTING OF WEEDS BY CITY AND RECOVERY OF COST THEREOF. (a) If any owner, occupant or agent shall fail and refuse to remove or abate a nuisance as directed by the City of Wathena pursuant to Section 1 hereof or fail and refuse to cut and destroy noxious weeds when such is directed by the City pursuant to Section 2 hereof, as the case may be, then, after the time allotted for such action has expired, the City of Wathena shall proceed to abate or remove such described nuisance or destroy the noxious weeds, as the case may be, and the cost of such removal or abatement or cutting of weeds, as the case may be, shall be charged against the lot or parcel of ground on which such nuisance or weeds were located as provided in subsection (b) next below.

(b) Whenever the City shall have abated any nuisance or cut any noxious weeds pursuant to subsection (a) above, the City shall keep an account of the cost of such work and, at the time of certifying other City taxes to the County Clerk, the City Clerk shall certify all of the aforesaid costs incurred by the City to the County Clerk and the County Clerk shall extend the same on the tax roll of the County against the lot or parcel of ground upon which any such work was completed to be thereafter collected by the County Treasurer and paid to the City as other City taxes are collected and paid.


SECTION 4. PENALTY FOR FAILURE TO COMPLY. Failure or refusal to abate or remove any nuisance pursuant to section 1 hereof or to cut or destroy noxious weeds pursuant to section 2 hereof, within the time allotted for any such act, shall be deemed a misdemeanor and any person, firm or corporation convicted of any such violation shall be subject to a fine of not to exceed One Hundred and No/100 Dollars (\$100.00).

SECTION 5. REPEALER. All ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in force and take effect from and after its passage and publication in the official City newspaper.

PASSED and APPROVED on the <sup>9th</sup> ~~2nd~~ day of August, 1977.

  
Mayor of the City of Wathena, Kansas

ATTEST:  
  
City Clerk  
(CITY SEAL)