

ORDINANCE NO. 441

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 ORDINANCE NO. 335 OF THE CITY OF WATHENA AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF SAID CITY IN CONFLICT HEREWITH.

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

SECTION 1. ABATEMENT OF NUISANCES AUTHORIZED. The Governing Body of the City of Wathena or its designated Public Officer are 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 and/or Public Officer are 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 as provided in this Ordinance. (K.S.A. 12-1617e and 12-1617f)

SECTION 2. PUBLIC OFFICER; NOTICE TO REMOVE. The Mayor of the City of Wathena shall designate a Public Officer to be charged with the administration and enforcement of this Ordinance. 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 such nuisance(s) as above described in Section 1 exist in violation of this Ordinance, by restricted mail, or by personal service. Such notice shall include the following:

- (a) That the owner or his or her agent in charge of the property is in violation of the City nuisance control law.
- (b) That the owner or his or her agent in charge of the property is ordered to abate such nuisance within ten (10) days of the receipt of said Notice.
- (c) That the owner or his or her agent in charge of the property may request a hearing before the Governing Body or its designated representative within five (5) days of the receipt of the Notice.

- (d) That if the owner or his or her agent in charge of the property does not abate such nuisance, the City or its authorized agent will remove or abate the same and assess the costs of such, including a reasonable administrative costs, against the owner or his or her agent in charge of the property.
- (e) That the owner or his or her 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 the Public Officer shall be contacted if there are any questions regarding the order.
- (g) That 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 or his or her agent in charge of the property will be ordered to remove or abate the nuisance within ten (10) days from the date of publication.

SECTION 3. GOVERNING BODY; DETERMINATION AND NOTICE TO REMOVE. In addition to the ability of the Public Officer to notify the owner or his or her agent in charge of any premises in the City upon which a nuisance exists, the Governing Body may by Resolution also make such determination of the existence of a nuisance and provide notice as set out in Section 2 above.

SECTION 4. ABATEMENT; ASSESSMENT OF COSTS. (a) Upon the expiration of the ten (10) days after receipt or publication or other service of the notice or resolution required by Section 2 or 3 and in the event that the owner or his or her agent in charge of the premises shall neglect or fail to comply with the requirements of Section 1, the Public Officer or an authorized assistant shall cause to be removed, abated, cut, destroyed any and all of such nuisances or weeds.

(b) The Public Officer and his or her assistant shall give notice to the owner or his or her agent in charge of such property by Restricted Mail of the costs of the abatement of the

nuisance. The notice shall state that the payment of the cost is due and payable within thirty (30) days following receipt of the notice.

(c) If the costs remain unpaid after thirty (30) days following receipt of the Notice, a record of the costs of removal, abatement, cutting and destruction shall be certified by the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such nuisance was so removed, and again such lots or pieces of land in front of or abutting such street or alley on which such nuisance was 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 removal, abatement, cutting, destroying such nuisance and/or weeds in a manner not inconsistent with this Ordinance.

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 removal, cutting and destruction. Such interference shall constitute an Ordinance violation.

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*), quackgrass (*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*).

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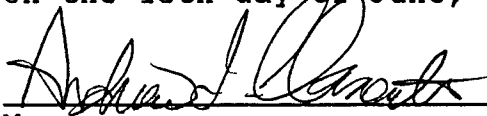
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SECTION 8. PENALTY FOR FAILURE TO COMPLY. Failure or refusal to abate or remove any nuisance pursuant to Section 1 hereof, within the time allotted for any such act, or a violation of Section 6 above, shall be deemed a misdemeanor and any person, firm or corporation convicted of any such violation shall be subject to a fine of not to exceed \$100.00.

SECTION 9. REPEALER. Ordinance No. 335 and all Ordinances and parts of ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be in force and take effect from and after its passage and publication in The Wathena Times.

PASSED and APPROVED on the 18th day of June, 1991.



Mayor

ATTEST:

(SEAL)



City Clerk