

ORDINANCE NO. 860

AN ORDINANCE AMENDING ORDINANCE NO. 830 AND REGULATING CONDITIONS ALLOWED TO EXIST ON ANY RESIDENTIAL, COMMERCIAL OR INDUSTRIAL PREMISES WHICH ARE INJURIOUS TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE GENERAL COMMUNITY OR ARE DETRIMENTAL TO ADJOINING PROPERTY, THE NEIGHBORHOOD OR CITY; PROVIDING FOR PROSECUTION OF FAILURES TO COMPLY WITH NOTICES TO REMOVE WEEDS AND WILD GROWTH; AND PROVIDING PENALTIES, INCLUDING COLLECTION OF FINES, COSTS AND EXPENSES OF CLEANUP THROUGH MUNICIPAL COURT PROCEEDINGS.

BE IT ORDAINED BY THE CITY OF SEDAN, KANSAS AS FOLLOWS:

Section 31 shall be amended as follows:

Section 31, Public officer; notice to remove; administrative procedure.

- (a) The City Council 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 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. The owner, occupant or agent in charge of the property is in violation of the city weed control law.
  - b. The owner, occupant or agent in charge of the property is ordered to cut the weeds within ten days of the receipt of notice.
  - c. The owner, occupant or agent in charge of the property may request a hearing before the hearing board or its designated representative within five days of the receipt of notice.
  - d. If the owner, occupant or agent in charge of the property does not cut the weeds, the public officer will issue a Notice to Appear in municipal court and the city attorney will commence prosecution against the owner, occupant or agent in charge of the property.
  - e. If the owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent may cut the weeds and assess the cost of the cutting, including a reasonable fee, against the owner, occupant or agent in charge of the property.
  - f. 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, the assessment will be added to the property tax as a special assessment.
  - g. No further notice shall be given prior to removal of weeds during the current calendar year.
  - h. The public officer should be contacted if there are any questions regarding the order.

(b) If there is a change in the record owner of the title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy any assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new owner of title to such property is provided notice as required by this section.

(c) If such person fails to comply with the provisions of this division within such time as allowed by this section, the public officer shall issue a Notice to Appear to that person to appear in municipal court or shall notify the city attorney who shall commence prosecution under this division.

All other parts of Ordinance No. 831 not specifically amended by this Ordinance shall remain in full force and effect.

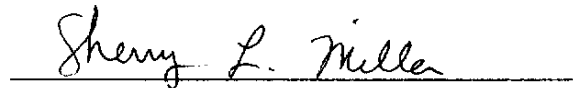
These amendments shall take effect and be in full force from and after its passage and approval by the mayor and city council for the City of Sedan, Kansas and its publication one (1) time in the Sedan Times-Star.

Passed and approved this 5<sup>th</sup> day of October 2009.



Tim Hills, Mayor

ATTEST:



Sherry Miller, City Clerk

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