

ORDINANCES OF THE CITY OF SEVERY, KANSAS

Ordinance No.434

AN ORDINANCE PROVIDING FOR THE CUTTING OF VEGETATION ON LOTS OR PARCELS OF LAND WITHIN THE CITY AND REPEALING ARTICLE III OF ORDINANCE 294.

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

Section One

Cultivated grasses, native or indigenous grasses, weeds, and other ground-cover vegetation (collectively, "vegetation") allowed to grow more than ten (10) inches high in lots or parcels of land within the City have a blighting influence, are a fire menace to adjacent property, and harbor insects, reptiles, and rodents which may or do cause damage to health, public safety, or welfare. They are hereby declared a public nuisance and are subject to abatement, as hereinafter provided.

Section Two

At the beginning of the mowing season, property owner(s), or their agents in control, and known occupants of the premises will be notified by regular mail that, if they allow cultivated grasses, native grasses, or any weeds to grow more than ten (10) inches high, they will be in violation of this ordinance.

Section Three

Owners or agents and known occupants will be notified by the Governing Body by regular mail or personal service when they are in violation. They will have ten (10) working days after personal service or the postmarked date of mailing to mow or clear the grass to a height of less than ten (10) inches; or, in the alternative, they may request, within five days of the mowing deadline, a hearing before the Governing Body or its designee, which will be provided prior to the mowing deadline. If the property is unoccupied and the owner is a nonresident, notice shall be given by certified mail, return receipt requested, to the last known address of the owner. Such notice will be given only once in a calendar year. If the same or similar violations occur during the same calendar year on property owned by nonresidents, enforcement will proceed without notice except to known occupants as described herein.

Section Four

If the owner, agent, or occupant does not timely comply with a notice or timely request a hearing as described in Section Three, the City will mow or clear the vegetation.

Section Five

Ordinance No. 434 (continued)

If the grass remains at a height of more than ten (10) inches after the time provided in Section Three, the City will have the vegetation mowed at the rate of \$50.00 per lot or

\$50.00 per hour, whichever is greater, assess the costs, including postage, against the owner(s), agent(s), or occupant(s), and notify them by regular mail that payment is due within 30 days of such notice, and that, if the assessment and fee are not timely paid, they will be added to the property tax on the lot or parcel as a special assessment.

Section Six

If there is a change in the record owner of title to the property after notice has been given under Section Three, the City may not recover costs or levy an assessment for said costs, until the new record owner has been provided notice as required in Section Three.

Section Seven

Nothing in this ordinance shall affect or impair the rights of the City under the provisions of K.S.A. 2-1314, relating to control and eradication of certain noxious weeds.

Section Eight

This ordinance shall be in full force and effect after its publication in the official newspaper of the City. This ordinance repeals and replaces Article III of Ordinance 294.

Adopted by the City Council on the 6th day of January, 2020.

Thomas E. Eulank
Mayor

Attest: Cassandra L. Myers
City Clerk