

*Ordinance Summary published on the **City of Burrton website** on April 8, 2025, and the full text of the Ordinance made available at the Burrton City Office, 203 N. Burrton Avenue, Burrton, Kansas from the date of publication.*

## ORDINANCE NO. 659

**AN ORDINANCE OF THE CITY OF BURRTON, HARVEY COUNTY, KANSAS, AMENDING CHAPTER 8, ARTICLE 4 OF THE CODE FOR THE CITY OF BURRTON, AN ARTICLE OF THE CITY OF BURRTON, HARVEY COUNTY, KANSAS, REGULATING WEEDS AND OTHER OVERGROWTH INCLUDING THE REGULATION OF SUCH FOLIAGE, REMEDIATION OF VIOLATIONS, AND NOTICE REQUIREMENTS TO PROPERTY OWNERS WITHIN THE CITY OF BURRTON, KANSAS; AND REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.**

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

**SECTION 1. Amendment to Chapter 8, Article 4 of the Code for the City of Burrton, Kansas:** Chapter 8, Article 4 shall be amended in its entirety to read as follows:

### **ARTICLE 4. WEEDS**

8-401. **WEEDS TO BE REMOVED.** It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

(Ord. 449, Sec. 1; Code 2006)

8-402. **DEFINITIONS.** Weeds as used herein, means any of the following:

- (a) Brush and wood vines shall be classified as weeds;
- (b) Weeds and grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (c) Weeds which bear or may bear seeds of a downy or wingy nature.

- (d) 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;
- (e) 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 12 inches in height.

(Ord. 449, Sec. 2; Code 2006)

8-403.

PUBLIC OFFICER; NOTICE TO REMOVE. (a) The mayor shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or authorized assistant shall give written notice to the owner, occupant or agent of such property by mail, or by personal service to cut or destroy weeds; provided, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by mail, to the last known address of the owner. Such notice shall be only given once per calendar year.

(b) The notice to be given hereunder shall state:

(1) that the owner, occupant or agent in charge of the property is in violation of the city weed control law;

(2) that the owner, occupant or agent in control of the property is ordered to cut or destroy the weeds within 10 days of the receipt of the notice;

(3) that the owner, occupant or agent in control of the property may request a hearing before the governing body or its designated representative within five days of the receipt of the notice or, if the owner is unknown or a nonresident, and there is no resident agent, 10 days after notice has been published by the city clerk in the official city publication which has been designated as the city website.

(4) that if the owner, occupant or agent in control of the property does not cut or destroy the weeds or fails to request a hearing within the allowed time the city or its authorized agent will cut or destroy the weeds and assess the cost \$200.00 per hour of work conducted for the cutting or destroying the weeds, against the owner, occupant or agent in charge of the property.

(5) that the owner, occupant or agent in control of the property will be given an opportunity to pay the assessment, and if it is not paid within 30 days of such notice, it will be added to the owner's property tax as a special assessment;

(6) that in lieu of giving notice as provided by Section 8-403 herein of the Code of the City of Burrton, the officer authorized to enforce this Code, for the initial notice or any subsequent notice, may send a one-time

yearly written notification by mail or personal service. Such notice shall include the same information required herein. In addition, such notice shall include a statement that no further notice shall be given prior to removal of weeds. If such a one-time notice is sent pursuant to this subsection, no additional notices are required to be sent prior to removal of weeds for one year from the date of that notice.

That no further notice will be given during the current calendar year prior to the removal of weeds from the property; and,

(7) that the public officer should be contacted if there are questions regarding the order.

**Public Notice of Act.**

(8) The city clerk shall cause a general public notice to be placed on the City of Burrton website once each year during the month of April. The notice shall read substantially as follows:

**PUBLIC NOTICE**

**CITY OF BURRTON, KANSAS**

**WEED AND VEGETATION ENFORCEMENT**

Notice is hereby given to all property owners, representatives and tenants of property located within the city limits of Burrton, Kansas, that it is unlawful to allow the excessive growth of weeds, grass, and uncultivated plants. Excessive growth means more than twelve inches in height. Violators will be subject to prosecution and assessment of costs for abatement of such violations. The weeds abatement ordinances are located in Chapter 8, Article 4 of the Burrton City Code. Members of the public are welcome to review these laws during regular business hours at the Burrton City Hall, 203 N. Burrton Avenue, Burrton, Kansas.

(c) 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 article.

(Ord. 449, Sec. 3; Code 2006)

8-404

**ABATEMENT; ASSESSMENT OF COSTS.** (a) If the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the time periods specified in section 8-403, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.

(b) If the city abates or removes the nuisance portion to this section, the city shall give notice to the owner or his or her agent by mail of the total cost of the abatement or removal incurred by the city. The notice shall also

state that the payment is due within 30 days following receipt of the notice. The city also may recover the cost of providing notice, including any postage, required by this section.

(c) The notice shall also state that if the costs of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by KSA 12-1, 115, and amendments thereto, or shall be assessed as special assessments should be charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by KSA 12-1, 115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(Ord. 449, Sec. 4; KSA 12-1617f; Code 2006)

8-405           **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 cutting, destroying and/or removing such weeds in a manner non inconsistent with this article. (Ord. 449, Sec. 5; Code 2006)

8-406           **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 cutting and destruction. Such interference shall constitute code violation.

8-407           **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 article, 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 (*agropoyron repens*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans L.*), and Johnson grass (*Sorghum halepense*).

(Ord. 449, Sec. 7; KSA 2-1314; Code 2006)

**SECTION 2.** Other ordinances or portions thereof in conflict herewith, are hereby repealed.

**SECTION 3.** This Ordinance shall take effect and be in full force from and after its publication on the City of Burrton website.

**Fees shall be established and reviewed, determined and approved, from time to time, as need dictates by the Governing Body and shall be set by resolution lawfully adopted by the Governing Body in a legally convened meeting.**

**PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF BURRTON, KANSAS, THIS 7th DAY OF OCTOBER, 2024.**



Missy Ducimetiere, Mayor

ATTEST:



Kim Ryan, City Clerk

