

**ORDINANCE NO. 6220**

**AN ORDINANCE RELATING TO THE CUTTING OF WEEDS AND VEGETATION, PROVIDING FOR NOTICE AND FOR CUTTING BY THE CITY OF READING, AND PROVIDING FOR THE ASSESSMENT OF THE COST OF SUCH, REPEALING ORDINANCE NO. 605 OF THE CITY OF READING:**

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

**SECTION 1: 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 to permit weeds to remain on 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, right-of-ways and all other areas; public or private. All weeds as hereinafter defined are hereby declared a nuisance and subject to abatement as hereinafter provided. If land is zoned agricultural but located within the confines of the City of Reading, any crop on said land must be harvested at the appropriate time for that crop and the harvest must be removed from the property within two weeks.*

**SECTION 2. DEFINITIONS.** *“Weeds” as used herein, means any of the following:*

- (a) Brush and woody 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 down or winged 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 or public safety or welfare; and*
- (e) Weeds and indigenous grasses, which, because of its height, have 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.*

**SECTION 3. WEED ENFORCEMENT OFFICER; NOTICE TO REMOVE.** *The city maintenance person shall be charged with the administration and enforcement of this ordinance, such person hereinafter designated as the weed enforcement officer. The weed enforcement 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 ordinance by mail or in personal service, once per calendar year. Such notice shall include the following:*

- (a) That the owner, occupant, or agent in charge of the property is in violation of the city weed/grass control ordinance.*
- (b) That the owner, occupant, or agent in charge of the property is ordered to cut the weeds/grass within 10 days of the receipt of notice.*
- (c) That the owner, occupant or agent in charge of the property may request a hearing before the Governing Body or its designated representative within five days of the receipt of notice.*

- (d) That if the owner occupant or agent in charge of the property does not cut the weeds/grass, the city or its authorized agent will cut the weeds/grass and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property.*
- (e) That 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, it will be added to the property tax as a special assessment.*
- (f) No further notice shall be given prior to removal of weeds during the current calendar year.*
- (g) That the weed/grass enforcement officer shall be contacted if there are any questions regarding the order.*

*If there is a change in record of 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 section.*

**SECTION 4. ABATEMENT; ASSESSMENT OF COST.**

- (a) Upon the expiration of ten (10) days after receipt of the notice required by Section 3, and in event that the owner, occupant, or agent in charge of the premises shall neglect or fail to comply with requirements of Section 1, the weed enforcement officer shall cause to be cut, destroyed and removed all such weeds/grass and abate the nuisance created thereby at any time during the current year.*
- (b) The weed/grass enforcement officer shall give notice to the owner, occupant, or agent in charge of the premises by restricted mail of the cost of the abatement of the nuisance. The notice shall state that payment of the cost is due and payable within thirty (30) days following receipt of the notice.*
- (c) If the cost of removal or abatement remain unpaid after thirty (30) days following receipt of notice, a record of the cost of cutting and destruction and/or removal shall be certified to the city clerk who shall cause such cost to be assessed against such lots or pieces of land in front of or abutting on such street or alley on which such weeds/grass were removed. The city clerk shall certify such costs to the county clerk as a special assessment to be collected with other general taxes provided by law. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1115, but only until the full costs and any applicable interest has been paid in full.*

**SECTION 5. RIGHT OF ENTRY.** *The weed enforcement officer and his 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 not inconsistent with this ordinance.*

**SECTION 6. UNLAWFUL INTERFERENCE.** *It shall be unlawful for any person to interfere with or prevent the weed/grass enforcement officer from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.*



**SECTION 7. NOXIOUS WEEDS.**

- (a) Nothing in this ordinance shall affect or impair the rights of the city under 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 (*Puerari 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), this (*Carduus Nutans L.*) and Johnson grass (*Sorghum Halepense*).

**SECTION 8.** This ordinance shall be in force and effect from and after its adoption and publication in the official city paper.

**ADOPTED AND APPROVED** by the Governing Body of the City of Reading, Kansas this 15<sup>th</sup> day of July, 2020.

  
  
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Mayor, Todd Hensley

ATTEST:

  
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City Clerk, Tonya Coppock