

ORDINANCE NO. 436

AN ORDINANCE AMENDING PROCEDURES FOR PROVIDING NOTICE REQUIRING WEEDS BE CUT OR DESTROYED; ABATEMENT OF WEEDS; AND ASSESSMENT OF COSTS.

Be it ordained by the governing body of the city of LEROY, KANSAS:

SECTION 1. Section 8-403 of the Code of City of LeRoy is hereby amended to read as follows:

§ 8-403 PUBLIC OFFICER: NOTICE TO REMOVE

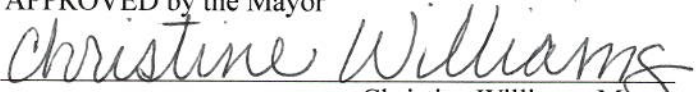
- (a) The City's Police Chief is designated as the public officer charged with the administration of the provisions of this article.
- (b) Whenever the public officer files with the City Clerk a statement in writing that weeds on lots or parcels of land at a particular address within the City violate this article, the city clerk shall issue a notice to the owner the lot or parcel by certified mail, return receipt requested, or by personal service to cut or destroy such weeds. If the property is unoccupied or the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner. If the Owner is unknown, the City Clerk shall publish the notice in the official city paper.
- (c) Such notice shall include the following information:
 - (1) That lots or parcels of land within the City owned by the owner violate the city code's weed control provisions;
 - (2) The address of the property violating the weed control provisions and the property description used by the County for tax assessment purposes;
 - (3) The owner must cut or destroy the weeds or request a hearing before the City's governing body within 10 days of the owner receiving the notice. Any request for hearing must be made in writing addressed to the city clerk.
 - (4) If the owner does not request a hearing or cut or destroy the weeds, the city will cut or destroy the weeds and assess the total cost for doing so to the owner.
 - (5) If the city has to cut or destroy the weeds, the owner will have 30 days to pay the City's costs. If not paid, those costs may be levied against the lot or parcel of ground as a special assessment to be collected as other city taxes are collected.
 - (6) No further notice shall be given prior to removal of the weeds, during the current calendar year; and
 - (7) The owner should contact the City's Police Chief if the owner has any questions regarding the notice.
- (d) If there is a change in the record owner of title of property after to notice provided above is made, 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.
- (e) The procedures above provide for a minimum one-time yearly written notification by certified mail or personal service to the owner.
- (f) Substantial compliance with the notice requirements above is sufficient.

SECTION 2. Section 8-404 of the Code of the City of LeRoy is hereby amended to read as follows:

§ 8-404 ABATEMENT; ASSESSMENT OF COSTS

- (a) If the Owner fails to request a hearing or refuses to cut or destroy such weeds within 10 days of the owner's receipt of the notice required by § 8-403 or within 10 days after the notice is published in the official city newspaper, the public officer, or an authorized assistant, shall cut or destroy such weeds and shall keep an account of the cost of the same and report to the city clerk.
- (b) The city clerk shall give notice to the owner by certified mail, return receipt requested, of the City's total cost to cut or destroy the weeds. The city's total costs shall include the cost of providing notice. Such notice shall state that payment of such cost is due and payable within 30 days following the owner's receipt of such notice.
- (c) If the owner does not pay the city's total costs within 30 days of the owner's receipt of the notice provided in this Section, the city may levy a special assessment for such cost against the lot or piece of land from which the weeds were cut or destroyed. Upon direction from the Mayor, the city clerk shall certify the assessment of the costs to the County Clerk at the time other special assessment are certified for spreading on the tax of the county.

Passed by the council the 14th day of June, 2021. APPROVED by the Mayor


Christine Williams, Mayor

(City Seal)

ATTEST: 
Nikki Houston, City Clerk

APPROVED AS TO FORM: /s/ Rustin J. Kimmell, City Attorney