

ORDINANCE 699

AN ORDINANCE AMENDING ORDINANCE NO. 665 PROHIBITING THE GROWTH OF WEEDS AND OBNOXIOUS GROWTHS OF VEGETATION ON LOTS OR PIECES OF LAND WITH THE CITY OF HAVEN, KANSAS

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

SECTION 1

That the following Sections shall be added to Article 3 Weeds, of Chapter VIII HEALTH AND WELFARE of the City Code:

8-303. Notice to Cut

Whenever an officer, authorized to enforce violations of the provisions of this Code, determines that there has been a violation of Section 8-301, he/she or the City Clerk shall give notice to abate such violation to the person or persons responsible for the violation.

Such notice shall state that before the expiration of the waiting period provided herein the recipient thereof may request a hearing before the governing body or its designated representative. Such notice shall be served on the owner, occupant, or agent by certified mail, return receipt requested, or by personal service to cut or destroy such weeds. If the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner.

8-304. Assignment of Cost of Abatement

If the occupant, owner, or agent fails to request a hearing or refuses to cut or remove such weeds, after five (5) days' notice, or in cases where the owner is unknown or is a nonresident, and there is no resident agent, ten (10) days after notice has been published by the City Clerk in the official city paper, the City shall cut or destroy such weeds and shall keep an account of the cost of same and report to the City Clerk.

The City shall give notice to the owner, occupant, or agent by certified mail, return receipt requested, of the total cost of such cutting or removal incurred by the City. The City also may recover the cost of providing notice, including postage, required by this section.

Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost of such removal or abatement is not paid within the thirty-day period, the City may levy a special assessment for such cost against the lot or piece of land in the same manner as provided in K.S.A. 12-1617e, and amendments thereto, or the City may collect the cost in the manner provided by K.S.A. 12-1,115, and amendments thereto. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

8-305. Yearly Notice

In lieu of giving notice as provided by Section 8-303, the officer authorized to enforce this Code or the City Clerk, 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 in Section 8-303. 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 calendar year from the date of that notice.

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SECTION 2

That all other provisions of Ordinance No. 665 remain in full force and effect.

SECTION 3

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4

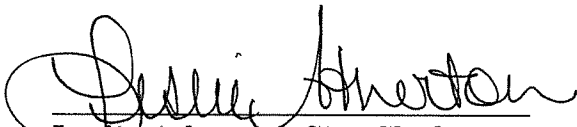
This Ordinance shall be included in the Code of the City of Haven, Kansas, and shall take effect and be in force from and after its passage, approval, and publication once in the official city newspaper.

PASSED AND APPROVED this 1st day of November 2021.

Mayor did not sign his approval of the Ordinance or return the same with his veto on or before the next regular council meeting of November 15, 2021. Therefore, the Ordinance shall take effect without the Mayor's signature on November 15, 2021.

Adam Wright, Mayor

ATTEST:



Leslie Atherton, City Clerk