

RESOLUTION NO. 2018-06

A RESOLUTION FOR THE REMOVAL OF GRASS AND WEEDS THAT ARE A BLIGHT ON PROPERTY ON LOTS IN ALL UNINCORPORATED TOWNS IN LANE COUNTY.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, 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 any area between the property lines of said premises and the centerline or 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 and grass, as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

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 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.

Section 3. PUBLIC OFFICE; NOTICE TO REMOVE:

- (a) The public officer designated in Resolution 2018-1 is 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 certified mail, return receipt requested or by personal service to cut or destroy weeds; provide, however, that if the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified, return receipt requested, to the last known address of the owner. Such notice shall only be 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 County weed control law;
 - (2) That the owner, occupant or agent in control of the property is ordered to cut or destroy the weeds or grass 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.

(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 County or its authorized agent will cut or destroy the weeds and assess the cost of the cutting or destroying the weeds, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property;

(5) That the owner, occupant and/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 property tax as a special assessment.

(6) 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.

(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 County may recover any costs or level and assessment of 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.

Section 4. 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 section 3 the public officer or an authorized assistant shall abate or remove the conditions causing the violation.

(b) If the County abates or removes the nuisance pursuant to this section, the County Clerk shall give notice to the owner or his or her agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the county, which costs shall include a reasonable administration fee. The notice shall also state that the payment is due within 30 days following receipt of the notice. The county also may recover the cost of providing notice, including any postage, required by this section.

(c) The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the County Clerk, at the time of certifying other County 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.

Section 5. 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 not inconsistent with this article.

Section 6. 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 a code violation.

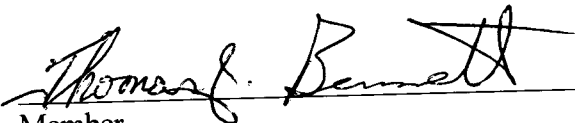
Section 7. NOXIOUS WEEDS: Noting in this article shall affect or impair the rights of the County relating to the control and eradication of certain noxious weeds.

PASSED AND APPROVED UNANIMOUSLY on July 2nd, 2018, by the Board of County Commissioners, Lane County, Kansas.

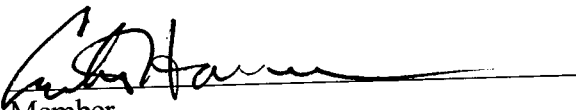
DIANA PARIS


Chairman

THOMAS J. BENNETT

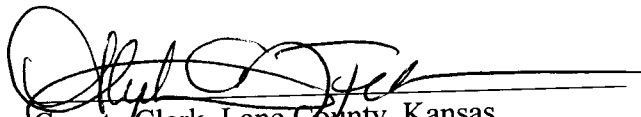

Member

CURTIS HANNA


Member

ATTEST:

STEPHANIE ~~BENZEL~~ Techone


County Clerk, Lane County, Kansas

(SEAL)