

ORDINANCE NO. 391

**AN ORDINANCE AMENDING SECTION 8-403 OF THE BURDEN CITY CODE;
RELATING TO NOTICE TO REMOVE WEEDS OR EXCESSIVE VEGETATIONAL
GROWTH WITHIN THE CITY OF BURDEN.**

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

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

8-403. PUBLIC OFFICER; NOTICE TO REMOVE. (a) The Chief of Police is hereby designated as the public officer charged with the administration and enforcement of this ordinance. 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; provided, 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 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 five 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, ten days after notice has been published by the city clerk in the official city newspaper;

(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 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 or agent in control of the property will be given an opportunity to pay the assessment, and if it is not paid within thirty 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 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.

Section 2: REPEAL: All former ordinances or parts thereof, or parts of the code of the City of Burden, Kansas, which are in conflict with, or are inconsistent with the provisions of this ordinance, are hereby repealed.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body on this 23rd day of July, 2018.

(SEAL)


Duane Lee Wingert Jr., Mayor

ATTEST


Julia Loving, City Clerk

APPROVED AS TO FORM


Joshua S. Albin, City Attorney