

Public Notices

Ordinance relating to weeds in city

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ORDINANCE NUMBER 324

AN ORDINANCE RELATING TO WEEDS WITHIN THE CITY LIMITS, PROHIBITING THE SAME AND PROVIDING FOR ABATEMENT THEREFORE; PROVIDING FOR NOTICE AND HEARING; PROVIDING FOR CHARGES THEREFORE; AND REPEALING SECTIONS 6-401, 6-302 AND 6-303 of Chapter 6, Article 4 OF THE CITY CODE OF THE CITY OF BIRD CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BIRD CITY, KANSAS

ARTICLE 4. WEEDS

6-401. 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 of 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 as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

6-402. 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 8 inches in height.

6-403. PUBLIC OFFICER; NOTICE TO REMOVE. (a) The Council shall designate a public officer to be charged with the administration and enforcement of this article. The public officer shall provide a written report of a weed abatement issue to the City Clerk issue 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 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 or, if the owner is unknown or a nonresident, and there is no resident agent, 10 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 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 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 ordinance.

6-404. 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 city abates or removes the nuisance pursuant to this section, the city 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 city. The notice shall also state that the payment is due within 30 days following receipt of the notice. The city 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 collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city 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 and paid to the city as other city taxes are collected and paid. 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 applicable interest has been paid in full. (K.S.A. 12-1617)

6-405. 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 ordinance.

6-406. 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 an ordinance violation.

6-407. NOXIOUS WEEDS.

(a) Nothing in this ordinance shall affect or impair the rights of the city under the 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 ordinance, the term noxious weeds shall mean kudzu (*Pueraria 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) thistle (*Carduus nutans* L.), and Johnson grass (*Sorghum halepense*). (K.S.A. 2-1314)

6-408. COSTS. The Council has determined costs for abating WEEDS shall be assessed as follows: \$150 per city worker for the first labor hour expended on abating weeds and \$100 per city worker per hour expended on the abatement of WEEDS. In addition to the labor charges, the owner shall be assessed all fees associated with the abate including but not limited to dump fees, and mileage to and from the County Landfill.

6-409. EXISTING CITY CODE SECTIONS REPEALED. Existing Sections 6-401, 6-402, and 6-403 of Chapter 6, Article 4 of City Code of the City of Bird City, Kansas, are hereby repealed.

6-410. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect after its passage and publication once in the official city newspaper.

ADOPTED AND PASSED by the Governing Body of the City of Bird City, Kansas, this 2nd day of May, 2011.

Troy Burr, Mayor

ASSET: DeAnza Ambrosier
City Clerk

(Seal)

Golf team travels to meets

By Betty Jean Winston
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The Cheylin High School golf team participated in two meets recently. First was the McCracken golf meet at LaCrosse and then the Wheatland/Grinnell Thunderhawk Invitation in Grinnell.

McCracken

LaCrosse placed first, Cheylin second, and Dighton came in third in the McCracken meet.

Wil Orten placed third with an 89, Mitchel Jensen was fourth with a 90, Kenan Reeh and Rubin Razo placed eighth and ninth respectively with a 94 and a 98. This was in the varsity competition. The first place finisher was

Steven Atteberry of LaCrosse with a 78.

In the junior varsity action, the Cheylin scores were as follows: Alex Chaparro placed second with a 44, Eddie Frisbee was fourth with a 48, Ty Carmichael was fifth with a 48 and Justin Culwell with a 57 got ninth place. Placing first was Aaron Reidel of LaCrosse with a 42.

"All junior varsity scores are nine holes while the varsity scores are for 18 holes," Coach Dennis Hengen said.

Wheatland/Grinnell Thunderhawk Invitational

Seven teams were involved in the invitational held on Thursday, April 21, with Plainville taking

the number one spot with 312 points. Cheylin placed third with a total of 391 points. Also participating were teams from Ness City, Sharon Springs, Wheatland Quinter and Oakley.

Tyler Compton of Plainville posted the low score of 67 to place first. He was followed by Matthew McMillan of Ness City.

Cheylin results show Wil Orten with a 92, Kenan Reeh 99, Mitchell Jensen 100, Casey Vandike 100, Eddie Frisbee 110, Ty Carmichael 106 for a total of 391. Craig Busse ended the day with a 106 and Connor Hazuka 115.

"No one was in the top 10 but as a team they scored well," Coach Hengen said.

McDonald News

Kenneth and Phyllis Wilkinson traveled to Colby Sunday to help Jack Denny celebrate his belated second birthday which was April 23. Jack is the son of JJ and Lori Denny. While in Colby the Wilkinsons also called on Florence Horinek.

Kenneth and Phyllis Wilkinson visited with Laddie and Vera Kacerik at the Good Samaritan Home in Oberlin Thursday.

Joan Tongish and Eleanor Swihart were among those helping with and attending the Awana Awards Night at the Federated Church Sunday.

Gilbert and Jan Antholz, and Eleanor Swihart attended the Cheylin Freshman Spaghetti Dinner after church Sunday.

Jim and Lois Morelock attended a retirement ceremony for Jim's oldest son, Tim at Fort Riley Wednesday. Tim Morelock, CW4, retired from the Army after serving 23 years in Intelligence in the Far East.

David and Julie McIntosh of Lakewood, Colo. were Sunday (May Basket Day) guests of Myra Miller and Iris McIntosh.



CORRECTION — KEVIN ESTRADA gets ready to throw the discus at the junior high track meet held in St. Francis.

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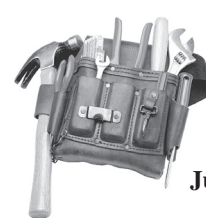
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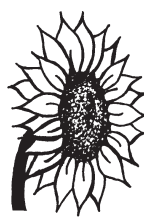
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