

ORDINANCE NO. 1693

AN ORDINANCE AMENDING THE CODE OF THE CITY OF COLBY, KANSAS, 2017, CHAPTER VIII, ARTICLE 4: WEEDS, AND AMENDING § 8-401 WEEDS TO BE REMOVED, 8-402, DEFINITION AND 8-403 PUBLIC OFFICERS; NOTICE TO REMOVE.

SECTION 1. The Code of The City of Colby, Kansas, 2017, Chapter VIII, Article 4, is hereby amended by adding a preamble as follows and amending § 8-401, 8-402 and 8-403 as contained herein.

PREAMBLE. The governing body of the City of Colby, Kansas hereby finds that the allowance of the excessive growth of certain vegetation is noxious, unsightly, offensive to the residential and commercial development in the City and offensive to the general public health, safety and welfare of the community. Excessive vegetation growth is inimical to maintaining the aesthetic value of the community, jeopardizes property values and property development, creates potential traffic safety problems and promotes conditions which accelerate the spread of fires, the nesting and proliferation of rodents, snakes, mosquitoes and vermin and is otherwise inconsistent with residential and commercial development in the City.

SECTION 2. §8-401 WEEDS TO BE REMOVED, §8-402 DEFINITION, AND §8-403 PUBLIC OFFICERS; NOTICE TO REMOVE, ARE HEREBY AMENDED AS FOLLOWS:

§8-401 WEEDS TO BE REMOVED.

It shall be unlawful for any owner, agent, lessee, tenant or other person occupying or having charge and control of any property within the corporate limits of the City of Colby, including areas zoned residential, commercial or industrial, to permit weeds to remain upon said premises or any area between the property lines of said premises and the center line 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.

§8-402 DEFINITION.

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 and any vegetation which is more than eight (8) inches in height on developed parcels or more than twelve (12) inches in height on undeveloped parcels, either above the ground or in length if matted down as measured along the stem and shall include all trees, bushes, shrubs, flowers and ornamental or garden plants, either cultivated or uncultivated if such plants are not made readily distinguishable from surrounding vegetation and plants which are poisonous to the touch, including poison ivy, poisonous oak and poison sumac.
- (f) Noxious weeds including kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), 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*).

§8-403 PUBLIC OFFICER; NOTICE TO REMOVE.

- (a) The City Manager shall designate a public officer to be 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; provided, however, that, if the property is unoccupied and the owner is a non-resident, such notice shall be sent by certified mail, 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) The owner, occupant or agent in charge of the property is in violation of the city weed control law;
 - (2) The owner, occupant or agent in control of the property is ordered to cut or destroy the weeds within ten days of the receipt of the notice;

- (3) 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 non-resident, and there is no resident agent, ten days after notice has been published by the City Clerk in the official city newspaper. The hearing or request shall be made in writing and directed to the governing body of the City of Colby, 585 N. Franklin Ave., Colby, Kansas or the Colby City Manager at manager@cityofcolbyks.gov;
 - (4) 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) 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) No further notice will be given during the current calendar year prior to the removal of weeds from the property; and
 - (7) 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 section, the city may not recover any costs or levy an assessment for the costs incurred by 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 3. REPEALER. The Code of the City of Colby, Kansas, 2017 Chapter VIII Health and Welfare, Article 4, Weeds, § 8-401, Weeds to be Removed, 8-402, Definition, and 8-403 Public Officer; Notice to Remove, as enacted and codified prior to the adoption of this ordinance, are repealed.

SECTION 4. This ordinance shall be in full force and effect from and after publication in the official city paper as provided by law.

ADOPTED BY THE COUNCIL AND APPROVED BY THE MAYOR this ____ day of July,
2025.

Lee Leiker, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

(Seal)