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## CODES & ORDINANCES

### WEEDS CODE

#### ARTICLE 5. WEEDS

(Pursuant to City Ordinance #1836)

##### 7-501. 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, easement, 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. (Code 1986)

##### 7-502. DEFINITIONS.

Weeds as used herein, means any of the following:

Brush and woody vines shall be classified as weeds;

Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

Weeds Which bear or may bear seeds of a downy or wingy nature.

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;

Weeds and indigenous 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 blighted if they exceed 12 inches in height. (Code 1986)

##### 7-503. PUBLIC OFFICER; NOTICE TO REMOVE.

The governing body shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner, occupant, and/or person in charge of any premises in the city upon which weeds exist in violation of this article, by restricted mail or by personal service. Such notice shall include the following:

That the owner, occupant and/or the person in charge of the property is in violation of the city weed control law.

That the owner, occupant and/or or the person in charge of the property is ordered to cut the weeds within 10 days of the receipt of notice. (c) That the owner, occupant and/or the person in charge of the property may request a hearing before the governing body or its designated representative within five days of the receipt of notice.

That if the owner, occupant, and/or the person in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting including a reasonable administrative cost against the owner, occupant, and/or the person in charge of the property.

That the owner, occupant, and/or the person in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment.

That the public officer should be contacted if there are any questions regarding the order.

If the owner, occupant and/or the person in charge of the property cannot be served in the above manner, service may be made by publishing one notice in the official city newspaper. If notice is made by publication, the owner, occupant, and/or the person in charge of the property will be ordered to cut the weeds within 10 days from the date of publication. (Code 1986)



**7-504. ABATEMENT; ASSESSMENT OF COSTS.**

(a) Upon the expiration of 10 days after receipt or publication or other service of the notice required by section 7-503, and in the event that the owner, occupant or person in charge of the premises shall neglect or fail to comply with the requirements of section 7-501, the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all; such weeds and abate the nuisance created thereby.

The public officer or an assistant shall give notice to the owner, occupant and/or person in charge of such property by restricted mail of the costs of abatement of the nuisance. The notice shall state that payment of the cost is due and payable within 30 days following receipt of the notice.

If the costs remain unpaid after 30 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the city clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. The city clerk shall certify the assessment to the county clerk at the time other special assessments are certified for spreading on the tax rolls of the county.

(K.S.A. 12-1617(f); Code 1986)

**7-505. 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. (Code 1986)

**7-506. UNLAWFUL INTERFERENCE.**

It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officers 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. (Code 1986)

**7-507. NOXIOUS WEEDS.**

(a) Nothing in this article 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 section, 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; Code 1986)