

## ORDINANCE 797

**AN ORDINANCE ESTABLISHING THE DUTY OF THE OWNER, OCCUPANT OR AGENT IN CHARGE OF ANY LAND OR LOT IN THE CITY OF MULBERRY, KANSAS, TO KEEP SUCH LOT OR LAND FREE OF OBNOXIOUS VEGETATION, RUBBISH OR TRASH AND PROVIDING FOR A PENALTY FOR VIOLATION OF SAID ORDINANCE.**

**SECTION 1. DEFINITIONS.** The following terms as used in this ordinance shall have the meanings respectively ascribed to them in this section:

- A. "Rubbish" or "Trash" shall be construed to mean all refuse such as vehicle wheels, tires, car or truck bodies, scrap metals of all kinds, paper, paper products, tin cans, bottles, glass containers, rags, ashes, lawn trimmings, tree trimmings, tree branches, limbs, tree trunks, and stumps; and waste materials from premises including that produced from remodeling or construction, paper sacks, boxes, packing materials from dwellings and business or industrial establishments and the offices thereof.
- B. "Obnoxious vegetation" shall be construed to be any weeds, grasses or vegetation, the growth of which shall obtain a size sufficient to interfere or contains blossoms or matures to a size sufficient to interfere in any manner with the health, convenience or pleasure of persons living near or adjacent to such premises or of persons using the streets, alley's and sidewalks of the city in accordance with and under the provisions of this ordinance.

**SECTION 11. DUTY TO CUT WEEDS AND OBNOXIOUS VEGETATION, AND REMOVE RUBBISH AND TRASH.** The owner or occupant or person in charge of any lot or piece of land and parking in front thereof, shall keep said lot or piece of land free and clear of all rubbish, trash and weeds and obnoxious vegetable growths, before the same blossoms or matures or attains a size sufficient to interfere in any manner with the health, convenience, or pleasure of persons living near or adjacent to such premises or of persons using the streets, alleys or sidewalks, and shall not permit the weeds there from to be scattered upon the same or adjacent property.

**SECTION 111. CITY MAY CUT OBNOXIOUS VEGETATION AND REMOVE RUBBISH AND TRASH.** If the occupant or owner or agent in charge of any lot or piece of land shall fail or neglect to cut and remove weeds or obnoxious vegetable growths from such lots or pieces of land or the parking in front thereof, within the City of Mulberry, or shall fail or neglect or refuse to remove any rubbish or trash from such lots or pieces of land, or the parking in front thereof, within the City of Mulberry, after five (5) days written or printed notice, signed by the Mayor, or in cases where the owner is unknown or a non-resident and there is not a resident agent, five (5) days after notice has been published in the official city newspaper, the City shall cut such weeds and obnoxious vegetable growth from such lots, pieces or parcels of land and the parking in front thereof, or remove said vegetable growth and the rubbish or trash from such lots, pieces of parcels of land and the parking in front thereof.

**SECTION 1V. ASSESSMENT OF COSTS WHEN OBNOXIOUS VEGETATION IS CUT AND REMOVED BY CITY OR RUBBISH OR TRASH IS REMOVED BY**

**CITY.** The City shall keep an accurate record of the costs of cutting weeds and obnoxious vegetable growths from each specific lot, piece or parcel of land, or the cost of removal of such obnoxious vegetable growth, rubbish or trash: and it shall report the same to the City Clerk, whereupon the City Clerk shall mail a statement of such cost to the last known address of the owner, occupant or person in charge of such property and if such costs are not paid within ten (10) days from the mailing of such notice, the City Council shall proceed to pass an ordinance levying a special assessment for such costs against the lot or piece of land and the City Clerk shall certify such assessment to the County Clerk for collection and payment to the city the same as other assessments and taxes are collected and paid to the city.

**SECTION V. PUBLICATION OF NOTICE TO PROPERTY OWNERS.** The City Clerk shall, at least once each year during the months of June, July or August, cause to be published in the official city paper a notice substantially setting forth the duties to cut weeds and obnoxious vegetation growths and remove rubbish and trash as set-forth in Section 11.

**SECTION VI.** All other ordinances or parts thereof in conflict with, this ordinance establishing the duties to cut weeds and obnoxious vegetable growths and remove rubbish and trash are hereby repealed.

**SECTION VII.** This ordinance shall take effect and be in force from and after its passage and publication in official city paper and approval by Governing Body of the City of Mulberry, Crawford County, Kansas, this 8<sup>th</sup> day of February 1988.

Thomas M. Crockett  
Mayor

Jean Davidson  
City Clerk

(Published in The Morning Sun on March 7, 1988)

ORDINANCE 2012-09

AN ORDINANCE AMENDING ORDINANCE 797 IN PART, SAID ORDINANCE 797, ADDING SECTION V111. PROVIDES FOR THE PENALTIES FOR VIOLATIONS THEREOF. ANY PERSON OR LANDOWNER WHO FAILS TO COMPLY WITH SAID ORDINANCE WILL BE ISSUED A NOTICE TO APPEAR IN MULBERRY MUNICIPAL COURT.

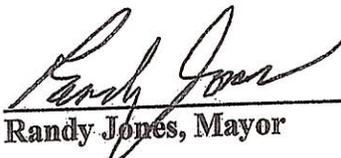
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MULBERRY, KANSAS.

SECTION V111. PENALTIES FOR VIOLATION OF OBNOXIOUS VEGETATION, RUBBISH OR TRASH. If person or landowner fails to comply with said ordinance he or she may be subject to A Notice To Appear in Mulberry Municipal Court, and shall, upon conviction, be fined not less than \$10.00 nor more than \$100.00 plus court cost, for the first offense, and not less \$50.00 nor more than \$500.00 plus court cost, for each and every subsequent offense, may be confined not more than 30 days in the Crawford County Jail for each and every subsequent offense.

ORDINANCE 797 is hereby reaffirmed in all other respects.

This Ordinance shall take effect on its passage and publication once in the official city paper.

PASSED BY and approved by the Governing Body of the City of Mulberry, Crawford County, Kansas, on this 25<sup>th</sup> day of September, 2012.

  
Randy Jones, Mayor

ATTEST:

  
Tammy Wyland, City Clerk

# Ordinance 2023-04

An Ordinance amending Ordinance 797 in part, Section V. Publication of Notice to Property Owners.

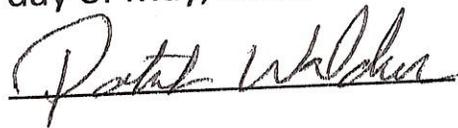
Section V. Deletion. Section V. relating to publication of notice to property owners is hereby deleted and in its place and stead shall be inserted the following:

Section V. The City Clerk shall at least once each year during the month of March, cause to be published in the official city paper a notice substantially setting forth the duties to cut weeds and obnoxious vegetation growths and remove rubbish and trash as set forth in Section 11.

Ordinance 797 is hereby re-affirmed in all other respects

This Ordinance shall take effect on its passage and publication once in the official city paper.

Passed by and approved by the Governing Body of the City of Mulberry, Kansas on this 9<sup>th</sup> day of May, 2023.



Patrick Walden, Mayor

Attest:



Cherokee Pelican, City Clerk