

ORDINANCE NUMBER 616

AN ORDINANCE PROVIDING FOR THE REMOVAL OF TREES AND SHRUBBERY ON PRIVATE PROPERTY OR BETWEEN PROPERTY LINE AND THE ABUTTING STREET IN THE CITY OF WESTMORELAND; PROVIDING FOR THE ASSESSMENT OF THE COST OF REMOVAL OF THE SAME BY CITY PERSONNEL; AND REPEALING ALL ORDINANCES IN CONFLICT HERWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTMORELAND, KANSAS:

Section 1. TREES AND SHRUBBERY TO BE REMOVED

When a city personnel, authorized by the City of Westmoreland to assess a tree or shrub on private property or in a right of way, determines, in their sole discretion that the tree or shrub endangers, hinders, or obstructs the use of public or private property, is a nuisance or in any other way endangers the public health, safety or welfare, the city shall issue a notice of such violation to order the maintenance, control, or removal of said tree or shrub by the owner. Such notice shall be by first-class, pre-paid mail at the address of the violation.

Section 2. TIME FOR REMOVAL

Upon notice to the property owner or persons having control over the property, of a violation as mentioned herein, the violation must be abated within ten (10) days of the date on such notice. The notice shall be given by registered or certified mail or personal service by the city marshal or other police officer, by delivering a copy thereof to the owner, or agent of such property. If the property is unoccupied and the owner is a nonresident, then the city clerk shall notify the owner by mailing a copy of notice to the owner's last known address by registered or certified mail. Extensions of time may be granted, at the discretion of city personnel. Prior to the lapse of the ten (10) day period, the owner, occupant, or agent may request, in writing, a hearing on the matter.

Section 3. REMOVAL OF TREE AND SHRUBBERY BY CITY PERSONNEL; ASSESSMENT OF COSTS

In the event the city personnel determine the existing condition of any tree or shrub to be an immediate hazard to public health, safety, and welfare or endangers persons or property, then the city personnel shall promptly, without notice to the owner, occupant, or agent, proceed to the abate situation. Separately, after the expiration of the notice given in Section 2 herein, city personnel may enter the property and proceed to abate the situation. The cost of action taken by the city shall be assessed to the owner with labor and equipment fees as set by resolution by the City Council.

Section 4. RIGHT OF ENTRY

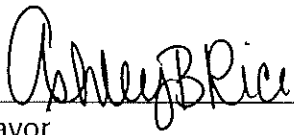
City personnel are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of assessing, maintaining, trimming or removing trees or shrubbery, in a manner not inconsistent with this ordinance.

Section 5. PENALTIES.

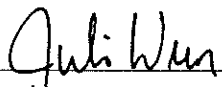
Any person violating the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor and may be sentenced to pay a fine of not more than five hundred dollars (\$500.00) or sentenced to a jail term of not more than one month, or both.

Section 7. This ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

Passed and adopted by the City Council of Westmoreland, Kansas this 13th day of November, 2025.



Mayor



City Clerk



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