

ORDINANCE NUMBER 570

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 HEREWITH.

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. 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 abate the 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. General labor costs of \$50.00 per hour per city personnel shall be assessed, along with the cost of the removal, trimming or maintenance by equipment.

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 tree or shrubbery, in a manner not inconsistent with this ordinance.

Section 5. UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent city personnel from entering upon any such lot or piece of ground or from proceeding with removal of any violation as herein stated.

Section 6. PENALTIES.

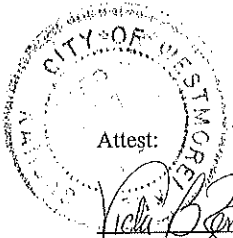
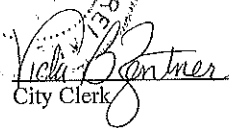
Any person violating the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and may be sentenced to pay a fine of not more than five hundred dollars (\$500.00), or sentenced to a jail term of not more than one month, or both.

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 10th day of October, 2019.



Mayor


Attest:


City Clerk

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