

[A summary of this ordinance was published in the *Clarion* on June 19, 2025.]

## **ORDINANCE NO. 1095**

**AN ORDINANCE AMENDING SECTIONS 8-201, 8-301 AND 8-402 OF THE CODE OF THE CITY OF MAIZE, KANSAS, REVISING THE DEFINITION OF “WEEDS” AND CLARIFYING THAT HOMEOWNERS ASSOCIATIONS ARE RESPONSIBLE FOR ABATING NUISANCES AND REPEALING THE ORIGINAL SECTIONS 8-201, 8-301 AND 8-402 OF THE CODE OF THE CITY OF MAIZE, KANSAS.**

IT IS ORDAINED BY THE GOVERNING BODY OF THE CITY OF MAIZE, KANSAS, AS FOLLOWS:

**Section 1.     Section 8-201 amended.** Section 8-201 of the Code of the City of Maize, Kansas, is hereby amended to read:

**8-201.     Definitions.**

Unless otherwise specified, the following terms as used in the City Health Code, as the term “City Health Code” is defined below, mean the following:

“Abandoned vehicle” means a vehicle to which the last registered owner has relinquished control, which remains on private property without the consent of the owner or person in control of the property for more than 48 hours.

“City health code” means and includes the following articles of the code of the city: 8-2, 8-3 and 8-4.

“Code enforcement officer” means a person or persons who is appointed by the city administrator who is responsible for the administration and enforcement of the city health code (see section 8-202).

“Garbage” means, without limitation, any accumulation of animal, fruit, or vegetable waste matter that results from the handling, preparation, cooking, serving, delivering, storage, or use of foodstuffs.

“Homeowners association” including similarly named organizations means an organization established to be responsible for management, control, repairing, maintaining of certain areas and other duties all as more particularly described in a declaration of covenants or similar document for a subdivision.

“Human excrete” means the body discharge (both feces and urine) of humans.

"Inoperable vehicle" means a vehicle in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed, or

- (a) The absence of a current valid registration plate upon such vehicle permitting that vehicle to be operated on the public streets and highways of the State of Kansas, unless the vehicle has a non-highway vehicle title issued solely because the vehicle was not manufactured for street use, or
- (b) The absence of one or more of the parts of the vehicle necessary for the lawful operation of the vehicle on the public streets and highways, unless the vehicle has a non-highway title issued solely because the vehicle was manufactured for street use, or
- (c) The placement of the vehicle or parts thereof upon jacks, blocks, chains, or other supports.

"Insects" means the classes *Insect* and *Arachnida* of the phylum Arthropoda including flies, mosquitoes, fleas, lice, cockroaches, bedbugs, plant bugs, mites, ticks, spiders, and scorpions.

"Manure" or "animal excrete" means the body discharge of all animals except humans.

"Noxious weeds" means species of plants declared by adoption by the secretary of agriculture of the state of Kansas to be a noxious weed in the state of Kansas.

"Nuisance" means any condition that is declared to be constitute a nuisance under this City Health Code.

"Owner" means any person who is a sole holder of any legal or equitable interest in the premises or holds a legal or equitable interest jointly or severally with others:

- (a) Has legal title to premises and/or dwelling[s] or dwelling unit with or without accompanying actual possession thereof; or
- (b) Has charge, care, or control of any premises and/or dwelling or dwelling unit including persons who have an interest in premises and/or dwellings or dwelling units who are in possession or control thereof as owner or agent of the owner, contract purchase, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner;
- (c) Collects rent for premises and/or a dwelling or dwelling unit on behalf of or in place of the owner.

Any such person representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he/she were the owner, and upon failure to comply therewith shall be subject to the same penalties hereinafter set out.

"Premises" means a lot, plot, or parcel of land including structures located thereon.

"Property" means any real property within the city which is not a street or highway.

"Refuse" means all putrescible and non-putrescible waste materials such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals, and solid industrial wastes, but shall not include human or animal excrete.

"Rodents" mean the so-called domestic rats, *Rattus norvegicus*, and *Rattus rattus*, and domestic mice, *Mus musculus* and wild native rodents associated with the transmission or disease or causing nuisance to man or other animals.

"Rodent harborage" means any condition which provides shelter or protection for rodents, thus favoring their multiplication and continued existence in, within, or outside a structure of any kind.

"Rodent stoppage" means a form of rodent-proofing to prevent the ingress of rodents into a building from the exterior or from one building to another building, consisting of the closing of openings in exterior walls, ground floors, basements, roofs, or foundations that may be reached by rodents from the ground with material or equipment impervious to rat-gnawing.

"Salvage material" means materials of some value that are obtained from the disassembly of various kinds of machinery, mechanical appliance, and/or the demolition of buildings or structures.

"Salvage yard" means any premises used for the collecting, dismantling, storing, and/or salvaging of machinery, equipment, appliances, inoperable vehicles, vehicle parts, bulky waste, salvage material, junk, or discarded materials; and/or for the sale of parts therefrom. Typical uses include motor vehicle salvage yards and junk yards.

"Sanitary sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Trash" means combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, or tree branches, and non-combustible waste consisting of, but not limited to: metal, tin, cans, glass, crockery, plastics, mineral matter, ashes, clinkers, or street rubbish and sweepings.

"Wastewater" means any water or liquids that is used for any purpose and then discharged on or from the premises where used.

"Water impoundment" is a collection of water created by improper drainage or discharge, not including a natural water course, artificial pond,

or lake, which may create breeding areas for mosquitoes and other health hazards.

"Weeds" means any of the following: (a) noxious weeds; (b) brush and woody vines; (c) weeds which bear or may bear seeds of downy or wingy nature; (d) weeds which obtain or may obtain such large growth as to become, when dry, a fire menace; (e) weeds in an area that harbors rodents, insects, animals, reptiles, or any other animal which may or does constitute a menace to health, public safety, or welfare; (f) weeds and grass which, because of its height, has a blighting influence, exceeds 12 inches in height, or is presumed to be blighting; (g) volunteer trees; and (h) any plant that interferes with management's obligations at a particular location, i.e., a plant growing where it is not wanted.

**Section 2.     Section 8-301 amended.** Section 8-301 of the Code of the City of Maize, Kansas, is hereby amended to read:

**8-301.     Nuisances.**

It is unlawful and constitutes a nuisance for any owner, agent, lessee, tenant or other person, or homeowners association occupying or having charge, control or responsibility for premises to maintain any of the conditions described in this Section 8-301 upon the premises or any area between property lines of the premises and the center line of any adjacent street or alley, including but not limited to sidewalks, streets, alleys, easements, rights-of-way and other areas public and private:

- (a) Filth, manure, lumber, rocks, dirt, metal, or any other offensive or disagreeable thing or substance thrown or left or deposited upon any property, premises, street, alley, or park;
- (b) Dead animals not removed within 24 hours after death;
- (c) Wastewater discharged or allowed to accumulate in such a manner that it does or may allow direct human contact with human excrete, animal excrete or manure; organic or inorganic pollution of ground or surface water; breeding, harboring, or attraction of rodents; or the emission of offensive odors;
- (d) Open basement structures, excavations, swimming pools, storm cellars, or other excavations that create hazards to any persons, collect water or produce mosquitoes except those excavations authorized by a current building permit and those excavations in use as part of occupied premises if maintained with adequate drainage and fencing consisting of material recognized for the purpose and having openings not larger than two inches in the least dimension;
- (e) Weeds;
- (f) Water impoundments;
- (g) Refuse not stored or properly confined and regularly disposed of as required. Proper storage of refuse consists of watertight, fly tight containers with watertight and fly tight covers. The refuse in containers may be left at the curb for pickup for a not-to-exceed 24-hour period which includes the time the refuse company will be in the area for pick up; at all other times, the

refuse container will be stored in a garage or an area away from the curb and screened from view from the streets that are adjacent. Disposal of refuse will be on a weekly basis or more often as required to prevent the creation of a nuisance;

- (h) Sanitary sewage or wastewater, including septic tank cleaning, which is not managed or disposed of in a sanitary and healthy manner as required by the city sanitary sewer ordinance or as approved by the city code enforcement officer;
- (i) All buildings and structures within the city limits will be free of rodent harborage, rodents and will be always maintained in rodent free conditions;
- (j) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities;
- (k) Animal excrement not stored or disposed of as provided in the city animal ordinance;
- (l) Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool houses and vacant houses and commercial structures which have become dilapidated and deteriorated as to be a potential accident hazard, rat harborage, attractive nuisance to children, or to be offensive to the senses;
- (m) Interior furniture stored, maintained, or used on the exterior of a dwelling or dwelling unit which is so dilapidated or deteriorated as to be a potential accident hazard; a harborage for insects, rodents, or vermin; or which emits odors.
- (n) Abandoned iceboxes or refrigerators kept on the premises under the control of any person, or deposited on the sanitary landfill, or any icebox or refrigerator not in actual use, unless the door, opening, or lid thereof is unhinged or unfastened and removed therefrom.
- (o) All premises in the city shall be maintained free of conditions that encourage or permit any unnecessary breeding of insects that are annoying or dangerous to residents of the city. Exterior windows and doors of all buildings used for human habitation or for the storage, preparation, or serving of food shall be screened in a manner prescribed by the code enforcement officer. Whenever the code enforcement officer finds that it is impossible or impractical for owners or occupants to individually control populations of dangerous or annoying insects, the code enforcement officer shall institute measures on a community-wide basis for a practical program for control, including chemical and other suppressive means.

**Section 3.     Section 8-402 amended.** Section 8-402 of the Code of the City of Maize, Kansas, is hereby amended to read:

**8-402.     Weeds.**

- (a) It is unlawful and constitutes a nuisance for any owner, agent, lessee, tenant, other person, or homeowners association occupying or having charge, control or responsibility for premises to permit weeds to remain upon the premises or any area between property lines of the premises and the center line of any adjacent street or

alley, including but not limited to sidewalks, streets, alleys, easements, rights-of-way and other areas public and private.

- (b) The city may abate weed conditions by following and complying with Kansas Statutes Annotated 12-1617f. In this regard, except as provided by subsection (c), the city clerk may issue a notice to the owner, occupant or agent by certified mail, return receipt requested, or by personal service, to cut or destroy weeds. If the property is unoccupied and the owner is a nonresident, notice shall be sent by certified mail, return receipt requested, to the last known address of the owner. The notice must state that before the expiration of the waiting period provided in the notice the recipient may request a hearing before the city administrator or designee. The hearing conducted by the City Administrator or designee is a final decision by the city and is appealable to State District Court pursuant to Kansas Statutes Annotated 60-2101(d).

If the occupant, owner or agent fails to request a hearing or refuses to cut or remove weeds, after five days' notice by the city clerk, or in cases where the owner is unknown or is a nonresident, and there is no resident agent, 10 days after notice has been published by the city clerk in the official city newspaper, the city or a contractor hired by the city shall cut or destroy the weeds. The city will keep an account of the cost of same and report to the city clerk. Except as provided by subsection (c), the city shall give notice to the owner, occupant or agent by certified mail, return receipt requested, of the total cost of such cutting or removal incurred by the city. The city may also recover the cost of providing notice, including postage, required by this section. The notice also must state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost of removal or abatement is not paid within the 30-day period, the city may levy a special assessment for such cost against the lot or piece of land in the same manner as provided in Kansas Statutes Annotated 12-1617e and amendments thereto, or the city may collect the cost in the manner provided by Kansas Statutes Annotated 12-1,115 and amendments thereto. The city may pursue collection both by levying a special assessment and in the manner provided by Kansas Statutes Annotated 12-1,115 and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

- (c) In lieu of giving notice of weed abatement as provided in Section 8-402(b), the city clerk, at the direction of the city administrator, may provide for a one-time yearly written notification by mail or personal service to the owner, occupant or agent. The notice must include the same information as is required by Section 8-402(b). In addition, the notice must include a statement that no further notice will be given prior to the removal of weeds. If there is a change in the record owner of title to the property after the giving of notice pursuant to this subsection 8-402(c), the City may not recover any costs or levy an assessment for its costs incurred by cutting or destruction of weeds

on the property unless the new owner of title to the property is provided notice as required by this Section 8-402(c).

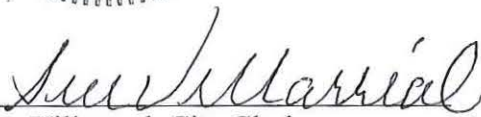
**Section 4. Repeal.** The existing Sections 8-201, 8-301 and 8-402 of the Code of the City of Maize, Kansas, are hereby repealed.

**Section 5. Effective Date.** This ordinance shall take effect on the day the summary is published once in the official City newspaper.

ADOPTED by the Governing Body of the City of Maize, Kansas, and  
APPROVED by the Mayor on this 16<sup>th</sup> day of June, 2025.



  
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Pat Stivers, Mayor

  
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Sue Villarreal, City Clerk

APPROVED AS TO FORM:

  
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Tom Powell, City Attorney