



SUMMARY OF THE REQUIREMENTS OF CHAPTER 8.24 - NOXIOUS WEEDS AND EXCESSIVE GROWTH

It shall be unlawful for any Property Owner, Representative, Tenant or other Person with control, occupancy, or possession of real property to permit, maintain or allow **Excessive Growth** or **Noxious Weeds** to exist on such real property within the City, including the areas between the property lines of the real property and the centerline of any adjacent street or alley, including but not specifically limited to adjoining sidewalks, streets, alleys, easements, and rights-of-way.

The Property Owner, Representative, Tenant or other Person with control, occupancy, or possession of real property shall be responsible for the abatement of any **Excessive Growth** or **Noxious Weeds** on such real property, including the areas between the property lines of the real property and the centerline of any adjacent street or alley, including but not specifically limited to adjoining sidewalks, streets, alleys, easements, and rights-of-way. It shall be unlawful for any Person to burn **Noxious Weeds** that are harmful to the touch, including but not limited to poison ivy.

"**Excessive Growth**" shall mean **Vegetation** which is more than eight (8) inches in height above the ground, or in length, if matted down, as measured along the stem on developed residential lots, and shall mean **Vegetation** which is more than ten (10) inches in height above the ground or in length, if matted down, as measured along the stem in any other area of the City, except private property within an agricultural zoning district. The term shall not mean or include **Vegetation** within areas that are exempted by a policy statement approved by the Governing Body, nor shall it mean or include **Vegetation** on property outside the public right of way which is located within an agricultural zoning district.

"**Noxious Weeds**" shall mean any of the following types of weeds as defined in K.S.A. 2-1314, or any amendments thereto, and those further declared as Noxious Weeds pursuant to K.S.A. 2-1314b, including but not limited to: 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*); and shall further include those plants that are harmful to the touch, including but not limited to, poison ivy, poison oak, and poison sumac.

"**Vegetation**" shall mean weeds, woody vines, brush, and grass. The term shall not mean or include cultivated and maintained brush, shrubs, flowers, and ornamental grasses or garden plants used in the landscaping of property, nor shall it include planted and cultivated agricultural crops. The term shall not mean or include plants within areas



SUMMARY OF THE REQUIREMENTS OF CHAPTER 8.24 - NOXIOUS WEEDS AND EXCESSIVE GROWTH

predominately inhabited by trees nor shall it mean perennial woody plants with secondary branches supported by a trunk or a main stem or stems. The term shall not mean or include plants within areas that are exempted by a policy statement approved by the Governing Body.

EXEMPTIONS PROVIDED BY SHAWNEE POLICY STATEMENT # 5.

1. The prohibitions of Chapter 8.24 relating to **Excessive Growth** shall not apply to a parcel that is 5 acres or larger or to contiguous parcels under the same ownership that have a combined area of 5 acres or more, when the following areas of the property are maintained in the following manner. **Vegetation** shall be maintained so that **Excessive Growth** does not occur in:

(a) adjacent right of ways that have a paved street or public sidewalk constructed on them;

(b) on all portions of the property within thirty feet of the back side of the public right of way street curb or within thirty feet of the street pavement where there is no curb;

(c) on portions of the property within thirty feet of all adjacent properties unless those adjacent properties are wooded land, pasture, agriculturally zoned land, land exempted from mowing by this policy statement, or rail road right of way.

2. The prohibitions of Chapter 8.24 relating to **Excessive Growth** shall not apply to **Vegetation** within an area of a property that is regularly used for livestock pasturage, provided the areas of the property used for pasturage are maintained in the following manner. **Vegetation** shall be maintained so that Excessive growth does not occur in:

(a) adjacent right of ways that have a paved street or public sidewalk constructed on them;

(b) on all portions of the property within thirty feet of the back side of the public right of way street curb or within fifty feet of the street pavement where there is no curb;

(c) on portions of the property within thirty feet of all adjacent unless those adjacent properties are wooded land, pasture, agriculturally zoned land, land exempted from mowing by this policy statement, or rail road right of way.

3. The prohibitions of Chapter 8.24 relating to **Excessive Growth** shall not apply to:

(a) **Vegetation** in public or private areas platted or restricted as open spaces identified as intended to left in a natural state, natural green spaces, tree preservation areas, public wildlife preservation areas, and designated stream corridor areas.

4. The prohibitions of Chapter 8.24 related to **Excessive Growth** shall not apply to:



SUMMARY OF THE REQUIREMENTS OF CHAPTER 8.24 - NOXIOUS WEEDS AND EXCESSIVE GROWTH

- (a) **Vegetation** that is part of a Best Management Practice, as defined and used in Title 11 of the Shawnee Municipal Code, when that specific Best Management Practice project has received City approval;
- (b) **Vegetation** in areas that are part of, or related to a stormwater drainage facility when approved by the Stormwater Manager, and when those areas are maintained in compliance with the conditions of that approval;
- (c) **Vegetation** in areas of land that are within 15 feet of a stream, creek, pond, or lake. This distance shall be measured from the ordinary high water mark.

5. The prohibitions of Chapter 8.24 relating to **Excessive Growth** shall not apply to:

- (a) **Vegetation** within the part of a ditch section road public right of way that is adjacent to property within an Agricultural zoning district, measured from the centerline of the right of way to the property line of the adjacent property within an Agricultural zoning district.
- (b) **Vegetation** within the public right of way on any arterial or collector street or road (as established by the current circulation plan) that is fifteen or more feet away from the back side of the public street curb, or edge of the public street pavement where there is no curb.

MINIMUM GRASS CUTTING STANDARDS

1. All areas required to be mowed must be cut, including trim cutting areas around mailboxes, utility poles, trees, and other obstructions that are within 30 feet of the paved street surface or adjacent properties. The remainder of the areas that are required to be mowed can be cut without trim cutting around obstructions.
2. Grass/weeds which do not meet the standards described above are in violation of the municipal regulations, and will be cut by city crews and a bill sent to you at a cost of \$70.00 plus actual cost. If you fail to pay these fees they will be assessed against your property.

Thank you for your help in maintaining property values, and keeping Shawnee a great place to live.

A complete copy of Chapter 8.24 NOXIOUS WEEDS AND EXCESSIVE GROWTH can be found at the City's website using the URL below:

<http://www.cityofshawnee.org/WEB/ShawneeCMS.nsf/vwContent/MunicipalCode?OpenDocument>