



# Weeds and Uncontrolled Vegetation

## Merriam's Weed Abatement Program

### Frequently Asked Questions

#### What is uncontrolled vegetation?

Vegetation that grows unattended or contains a mixture of weeds and other plant materials. In general, this term doesn't include trees and shrubs.

#### What are noxious weeds?

Weeds that are declared by the Kansas State Board of Agriculture to be noxious and must be eradicated to prevent their spread. A complete list is in this brochure. No matter their height, property owners must eliminate noxious weeds.

#### What are plants poisonous to touch?

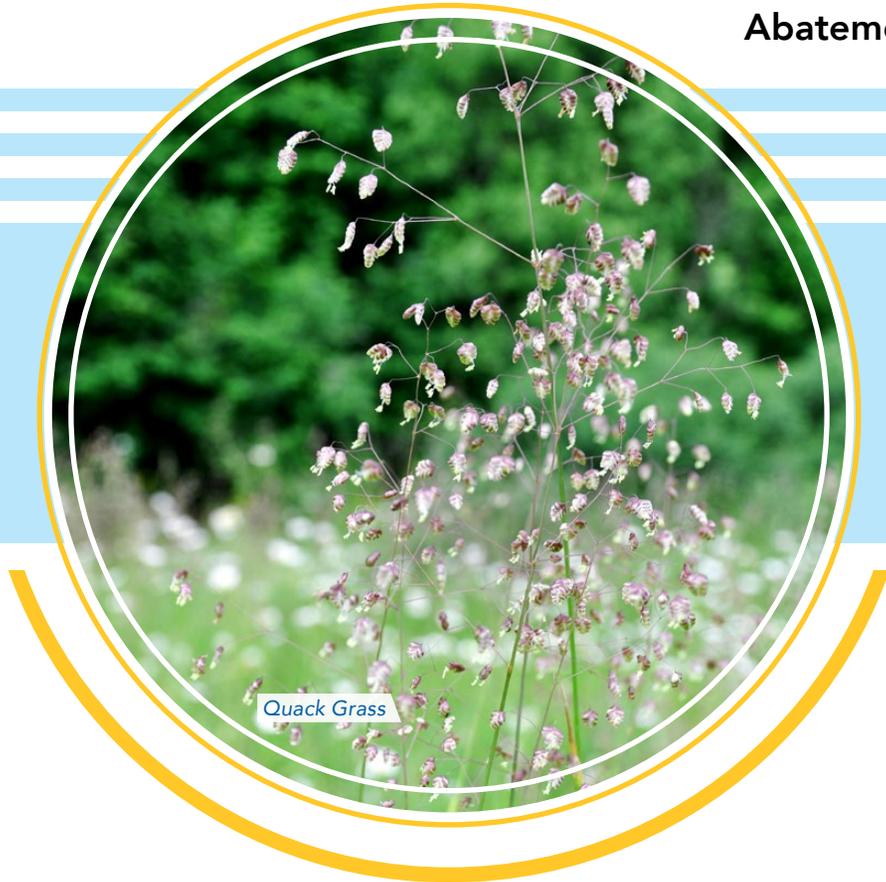
Plants poisonous to touch are identified in City ordinance as poison ivy, poison oak, and poison sumac. Like noxious weeds, these plants are illegal at any height and must be removed.

#### Is my English garden a violation of Merriam's Weeds and Uncontrolled Vegetation ordinances?

English gardens have become popular in recent years and most don't violate City ordinances. However, if your English garden is neglected and becomes filled with weeds, it may meet the definition of uncontrolled vegetation.

#### Why am I given such a short time to comply when sent a notice to mow?

The City ordinance is specific on the grace period allowed for compliance. Residents are encouraged to regularly maintain their properties.



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Bur Ragweed



Hoary Cress



Russian Knapweed



Leafy Spurge

## Common Kansas Noxious Weeds

- ▶ Bur Ragweed
- ▶ Canada Thistle
- ▶ Field Bindweed
- ▶ Hoary Cress
- ▶ Johnson Grass
- ▶ Kudzu
- ▶ Leafy Spurge
- ▶ Musk Nodding Thistle
- ▶ Pignut
- ▶ Quack Grass
- ▶ Russian Knapweed

## Points to Remember

- ▶ Weeds, grasses, and other uncontrolled vegetation are in violation if allowed to grow more than 10 inches in height.
- ▶ Property owners must cut vegetation between their property line and any adjacent curb or street pavement, including any ditch section.
- ▶ Noxious weeds violate City and state laws and must be eliminated. In addition to weeds listed as Kansas noxious weeds, Merriam's City ordinance prohibits plants that are poisonous to the touch including poison ivy, poison oak, and poison sumac. To eliminate most noxious weeds, you must start eradication while weeds are in their dormant state.
- ▶ If you observe noxious or poisonous weeds on your property, you may contact the Johnson County Extension Office at 913-715-7000 for help with eradication.
- ▶ All properties in the City of Merriam are inspected for compliance.

Help keep Merriam looking beautiful! An important part of property maintenance is the control and abatement of weeds and other uncontrolled vegetation.

## Weed Abatement in Merriam

Certain weeds and uncontrolled vegetation declared a nuisance by Merriam City Ordinance. Section 41-135 of Merriam Code states:

(a) It is unlawful for any property owner, occupant, agent, or other such person with control, occupancy, or possession of real property to raise, permit, or allow on such real property:

1. Noxious weeds;
2. Any plant that is poisonous to the touch (including, but not limited to, poison ivy, poison oak, and poison sumac); or
3. Weeds or uncontrolled vegetation in excess of 10 inches in height.

(b) The foregoing shall include any areas between the property line of the real property and the curb or street pavement line of any adjacent street or alley (whether improved or unimproved) including sidewalks, easements, and rights of way.

## Violation Notices

The City will mail a letter to the property owner when City code compliance officers observe a property in violation of the City's weeds and uncontrolled vegetation ordinances. Property owners have five days to fix violations.

The notice is mailed to the last known property owner. Property owners' names and addresses are taken from the official Johnson County land records.

## Authorized Mowing

If an owner fails to cut overgrown vegetation within the time specified on the notice, City ordinance authorizes the City to have the work done. Property owners may request additional time to perform the work if there are just reasons for an extension.



## Notice of Assessment

If the City mows and cuts overgrown vegetation, the City will mail the property owner a bill (Notice of Assessment) for the City's cost for abatement and an administrative fee. If the bill is not paid by the owner within 30 days from the mailing date, the assessment amount is certified to the Johnson County Records & Tax Administration office and will be collected as a special tax assessment against the property.

## Municipal Court Involvement

City ordinances authorize prosecution in Merriam Municipal Court for nuisance violations. The City will take action if a property owner is repeatedly negligent with property maintenance. In addition to the bill for nuisance abatement, a negligent property owner could also face a fine up to \$500, imprisonment up to 90 days, or both if found guilty in Municipal Court.