



Frequently Asked Questions

What is uncontrolled vegetation?

Vegetation that is allowed to grow unattended or which contains a mixture of weeds and other plant materials. This term does not include trees and shrubs; however, it does include vegetation that grows unattended along fence lines, walls and foundations.

What are noxious weeds?

Weeds that are declared by the Kansas State Board of Agriculture to be noxious and which must be eradicated to prevent their spread. A complete list is shown in this brochure. In compliance with state laws, property owners must do all they can to eradicate noxious weeds which are illegal at any height.

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 eradicated.

Is my English garden a violation of Merriam's Weed Abatement Program?

English gardens have become popular in recent years and most do not violate city ordinances. However, if you English garden is neglected and becomes filled with weeds, it could meet the definition of uncontrolled vegetation, which is a violation.

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 have a regular program of maintenance on their properties.



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WEEDS AND UNCONTROLLED VEGETATION



*Highlights of Merriam's
Weed Abatement
Program*





Weed Abatement in Merriam

Property maintenance is a high priority to the Citizens of Merriam. An important part of property maintenance is the control and abatement of weeds and other uncontrolled vegetation. To meet the high expectations of citizens, City regulations provide for an aggressive weed abatement program that proves to be successful. This brochure will highlight features of Merriam's Weed Abatement Program.

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 ten 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.

Common Kansas Noxious Weeds

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|---------------------|-------------------|
| 1. Kudzu | 5. Canada Thistle |
| 2. Field Bindweed | 6. Quack Grass |
| 3. Russian Knapweed | (Continued) |
| 4. Hoary Cress | |

- | | |
|-----------------|--------------------------|
| 7. Leafy Spurge | 10. Musk Nodding Thistle |
| 8. Bur Ragweed | 11. Johnson Grass |
| 9. Pignut | |

Violation Notices Required

When City Code Compliance Officers observe a property in violation of the City's weed abatement ordinances, an official notice to abate the nuisance is mailed to the property owner. City regulations require that property owners are given five days to remove the violation. The notice is sent by regular United States mail and mailed to the last known address of the property owner. Property owners names and addresses are taken from official land records as recorded in Johnson County.

Authorized Mowing

If an owner fails to cut the vegetation within the time specified on the notice, City ordinance authorizes the City to have the work done (additional time may be given to perform the work if a request is made by a property owner with just reasons for an extension). The City immediately contracts with a private mowing service to have the work done to City specifications.

Notice of Assessment

After the mowing work is complete, a bill (Notice of Assessment) is mailed to the property owner for the contract amount paid by the City, plus an administrative fee. If the bill is not paid by the owner within 30 days from the date of mailing, the amount of the assessment is certified to the County Clerk's office to be collected as a special tax assessment against the property.

Municipal Court Involvement

City ordinance also authorizes prosecution in Municipal Court for nuisance violations. This action is taken if a property owner is repeatedly negligent with property maintenance. In addition to a 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.

Points to Remember

- Weeds, grasses and other uncontrolled vegetation are in violation if allowed to grow over ten inches in height.
- Property owners must cut the 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, steps must be taken to start eradication while weeds are in their dormant state, which is likely to be before they reach ten inches in height. If you observe noxious weeds or weeds that are poisonous to the touch on your property, you may contact the Johnson County Extension Service for help with eradication.
- All properties in the City of Merriam are inspected for compliance with the City's weed abatement program.

