

**WORK SESSION AGENDA**

**August 10, 2022**

**5:00 p.m.**

- I. Work Session Discussion Items:**
- i.** 2023 Proposed Budget
  - ii.** Tall Weeds and Grass Amendment
  - iii.** 9<sup>th</sup> Avenue Improvement Project
- II. Regular Agenda Preview:**
- a. Items to be Placed on the Consent Agenda**
    - i.** Meeting Minutes
    - ii.** Appropriation Ordinance
  - b. Items to be Placed on the Regular Agenda**
    - i.** Standard Traffic Ordinance, 2022 Edition
    - ii.** Uniform Public Offense Code, 2022 Edition
  - c. Items to be Placed on the Land Bank Consent Agenda**
    - i.** None
  - d. Executive Session**
    - i.** None
- III. Reports:**
- a.** City Commission Reports
  - b.** City Manager Report

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF EL DORADO,  
KANSAS MUNICIPAL CODE RELATING TO HEALTH AND SAFETY,  
PROVIDING ADDITIONAL PROVISIONS FOR WEED AND GRASS  
CONTROL**

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS.

Section 1: Section 8.25.020 shall be amended as follows:

Section 8.25.020 - Definitions.

“Calendar” as used in this chapter, means that period of time beginning January 1 and ending December 31 of the same year.

“Indigenous” as used in this chapter, means originating or occurring naturally in a particular place; native.

“Native Grass” as used in this chapter, means those species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.

“Rain Garden” as used in this chapter, means a depressed area in the landscape that collects rain water from a roof, driveway or street and allows it to soak into the ground. Planted with grasses and flowering perennials.

“Weeds” as used in this chapter, means any of the following:

1. Any plants growing uncultivated and out of context with the surrounding plant life which may attain such large growth as to become, when dry, a fire menace to adjacent property;
2. Brush and woody vines;
3. Any plants which bear or may bear seeds of a downy or wingy nature;
4. Any plants which are located in an area which may harbor rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare.

Section 2: 8.28.030 shall be amended as follows:

8.28.030 - Grass and Weed Height Restrictions.

Except for prairie, meadow, or natural landscape vegetation for which the property owner has a valid Natural Landscape Permit and maintains in accordance with Section 8.28.100 of this Chapter, height restrictions shall be as follows:

- A. Six-inch grass and weeds limit in R-S, R-1, R-2, R-3, M-P, C-1, C-2, O-1, P-D and T-H
- B. Twelve (12) inch grass and weeds limit in I-1 and I-2;
- C. The public officer shall have the discretion to exempt from the terms of this chapter the following: construction areas, undeveloped areas, golf courses, natural wooded areas, wetlands, rain gardens, and areas designated by the city manager for agriculture use.

Section 3: 8.28.080 shall be amended as follows:

8.28.080 – Noxious Weeds.

- A. Nothing in this chapter shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.
- B. For the purpose of this chapter, the term “noxious weed(s)” shall mean Kudza (*Pueraria lobate*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduss nutans L.*), Johnson grass (*Sorghum halepense*), and sericea lespedeza (*Lespedeza cuneate*). (KSA 2-1314)
- C. For the purpose of this chapter, the term "noxious weed seed" means the seed of Kudza (*Pueraria lobate*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Indian rushpea*) (*Hoffmannseggia densiflora*), Texas blueweed (*Helianthus ciliaris*), musk (nodding) thistle (*Carduss nutans L.*), Johnson grass (*Sorghum halepense*), sorghum alnum, and sericea lespedeza (*Lespedeza cuneate*). (KSA 2-1415)

Section 4: 8.28.100 shall be added as follows:

8.28.100 – Maintained and weeded prairie, meadow or natural landscape vegetation; Natural Landscape Permits

A prairie, meadow, or natural landscape vegetation that does not contain noxious weed growth or noxious weed seed and that includes the cultivation of native grasses indigenous to Kansas shall be exempted from the restrictions in Section 8.28.030 of this Chapter, provided that the property owner applies for and is issued a Natural Landscape Permit and maintains the property in a condition sufficient to maintain the permit. Natural Landscape Permits are required if a proposed landscape includes native grasses that exceeds or is expected to exceed six (6) inches in overall height. Natural Landscape Permit applications shall be

submitted to the Engineering Department. No Natural Landscape Permits will be issued unless the following requirements are fulfilled by the property owner:

- A. The Native Plant Landscape Area is set back not less than twenty feet (20) from the front lot line. For the purposes of this ordinance, corner lots shall be deemed to have two (2) front yards;
- B. The Native Plant Landscape Area is set back not less than five feet from the side and/or rear lot lines to provide a transition zone, and the permitted natural vegetation does not extend into the public right of way or utility easement.
- C. The Native Plant Landscape Area is cut at least once annually between September 15 and November 15 to a height no greater than six (6) inches. The Native Plant Landscape should not exceed a height of eighteen (18) inches throughout the year and maintained throughout the year except for native grass that can be tall. If at any time the Native Plant Landscape becomes a health and safety concern it will be required to be mowed at no greater than six (6) inches.
- D. The property owner submits a landscape and planting plan to the Code Enforcement Department for their native prairie, meadow, or natural vegetation planting prior to installation.
- E. A violation of any of the requirements set forth in this Section will result in the revocation of the Natural Landscape Permit by the City.

Section 5: 8.28.200 shall be added as follows:

8.28.110 – Violation – Penalty

If any person, corporation, partnership, association, or other entity violating or failing to comply with any of the Sections or provisions of this chapter, the public officer may file a complaint in the municipal court of the city against such person, corporation, partnership, association, or entity. Upon determination by the municipal court conviction of any violation of the Sections or provisions of this chapter, such person, corporation, partnership, association, or other entity may be fined in an amount not to exceed one hundred dollars (\$100.00). Each day during or on which a violation occurs or continues after notice of a violation has been served shall constitute an additional or separate offense.

Section 6: In all other respects, Section 8.28 shall be and remain unchanged.

Section 7: REPEAL. All other ordinances or parts of other ordinances in conflict herewith are hereby repealed.

Section 8: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication once in the official city newspaper.

PASSED by the Governing Body of the City of El Dorado, Kansas, and APPROVED AND SIGNED by its Mayor, this 18<sup>th</sup> day of July, 2022.

\_\_\_\_\_  
Bill Young, Mayor

ATTEST:

\_\_\_\_\_  
Tabitha Sharp, City Clerk

APPROVED TO FORM:

\_\_\_\_\_  
Ashlyn Lindskog, City Attorney

DRAFT

### Native Vegetation Landscaping

Property owner's name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address of native landscaping: \_\_\_\_\_

Project start date: \_\_\_\_\_

I have read and understand all applicable State statutes, City ordinances, and other information included in this application packet. I certify that the information supplied in this application is correct. If granted this permit, I agree to comply with all regulations, limitations, and conditions that apply to lawn maintenance in the City of El Dorado.

Printed name: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Description of Work

Please attach the following to complete the application.

##### Narrative

Explain the purpose and intent in cultivating native vegetation, and specify one of the following:

- Wetland, pond, lake or stream buffer zone
- General yard landscaping

##### Site Plan

Show lot lines, street edges, buildings, and location of native vegetation. Identify the property's legal description. Please check the following if additional code restrictions apply:

- Corner visibility restrictions have been addressed (information attached)
- Right-of-way (ROW) restrictions have been address (ROW application attached)

##### Planting Plan

Include complete list of species (Latin and common names) to be used, and identify the maintenance requirements for each plant.

##### Maintenance Plan

Provide complete maintenance plan, including the following:

- Planting diagram showing location and mature height of all specimens of native vegetation
- Detailed information identifying the long-term maintenance requirements for each specimen

##### Contact Information

Provide name and address of a professional landscaping company that has been hired to perform maintenance on the native vegetation; or the name, address, and qualifications of the person(s) who will be responsible for maintain the native vegetation.



#### Site Plan

A large grid for a site plan drawing, consisting of 12 columns and 12 rows. A large, semi-transparent watermark reading 'DRAFT' is oriented diagonally across the grid. The watermark also includes the text 'EL DORADO KANSAS'.







### Planting Diagram

A large grid for a planting diagram, consisting of 12 columns and 16 rows. A diagonal watermark reading "DRAFT" and "EL DORADO KANSAS" is overlaid across the grid.

### Landscaping/Maintenance Contact Information

Company's/Individual's name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Company website: \_\_\_\_\_

Company's/Individual's name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Company website: \_\_\_\_\_

Company's/Individual's name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Company website: \_\_\_\_\_

#### Staff Use Only

Date Applied: \_\_\_\_\_

Application Checklist:  Statement of intent  Site Plan  Plant List  Maintenance Plan  
 Person(s) responsible for maintenance (and qualifications)  
 Complete (signed application)

Permit: \_\_\_\_\_  Approved  Denied \_\_\_\_\_

Code Enforcement Officer

Date