

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Brian Jimenez, Code Enforcement Manager  
Margene Swarts, Community Development Manager  
Scott McCullough, Planning and Development Services Director

**FROM:** Julie Wyatt, Code Enforcement Officer

**CC:** Dan Johnson, Code Enforcement Officer

**Date:** March 5, 2009

**RE:** Weed Code, associated fees

In effort to make our Weed Code enforcement and the recovery of monies spent more efficient, we (Margene, Brian, Dan, and I) met to discuss the current procedures and to consider possible improvements. The Weed Code is one of our simplest codes to enforce, although the process of collections is a little more complicated.

Our procedure currently is:

1. Inspect and send notice.
2. Mow and send invoice to owner.  
This invoice includes the mower's fee, an administrative fee of \$25 and a publication fee if the notice was published. The state statute requires that the notice be published if the property owner is not local (I believe this is a requirement if the fees are to be assessed against the property/taxes).
3. October of each year the outstanding weed accounts are placed against the property taxes (processed through City Clerk and Douglas County).
4. For outstanding accounts which missed the fall assessments, a certificate of assessment is placed on the deed with the County (spring of each year). This certificate serves as a flag to possible purchasers that there are outstanding charges from the City that need to be taken care of.
5. If the account is still outstanding the next October, the charges are placed on the taxes at that time.

In follow up of our meeting, I've researched several local jurisdictions and their associated fees are as follows:

	Admin Fee	Mowing Fee	Publication Fee	Penalty fee
Olathe	-0-	*\$125/man hour	They do not publish the notice unless the owner is unknown.	-0-
Topeka	\$ 140.00 + mailing fee for mailing invoice certified.	\$50/hr	They do not publish the notice.	**\$100 first time, \$200 thereafter in that calendar year.
Manhattan	\$ 50.00	Price based on parcel size	-0-	-0-
Mission	\$50.00	Contractor's abatement charge.	-0-	-0-
<b>Lawrence</b>	\$25.00	Contractor's abatement charge - \$40/hr.	Invoiced to owner if the city abates.	-0-

\*If the contractor uses 2 people and it takes 1 hour, the owner is billed \$250.00. This fee includes mowing fees and admin fees.

\*\*The City of Topeka charges a penalty fee for failing to mow the grass. However they indicated that this fee cannot be placed against the property taxes (State statute). If the invoice is not paid, the fees are split and penalty fees go to collections while the mowing and administrative fees are placed on the property taxes. On a side note, their entire budget for weed abatement was cut last year. Therefore, they simply sent the notices and then invoiced the property owner the penalty fee. They did not abate unless their Police staff determined it to be attracting illegal activity or posed an unsafe – traffic situation. They are doing the same this year.

In comparing our fees to area cities, our fees are very minimal. I suggest we establish a new administrative fee that will help to recover some of the expenses incurred. A case which involves abatement includes a minimum of 3 inspections (initial, follow up and final after abatement). In addition to staff time, additional costs that are not currently invoiced to the property owner include the mailing (notices and invoices are mailed certified, currently \$5.32 each), \$8 for any notes placed against the deed for outstanding charges and staff time to prepare the assessment to the property taxes if not paid. In addition to trying to recover city expenses, it would hopefully be more of a deterrent. With our current rate of \$25, I do not believe there is incentive for some owners to manage this duty themselves. It is cheaper and much easier if the city just mows it for them and charges a \$25 fee, to basically be their property manager. While I do not believe the rate should be an exorbitant amount, I do feel it should attempt to recover some of the incurred expenses.

Another item to consider is how we handle outstanding weed accounts. Accounts which are 30 days or more past due are placed as a special assessment against that properties taxes. This is done once per year in October, through the county. For those accounts which are still outstanding but missed this tax assessment date, we place a 'certificate of assessment' (attached) against the deed which has outstanding charges. This serves as notice to possible purchasers that there are outstanding charges. I believe this has helped to recover a lot of monies, which otherwise would not have been paid. Once the property owner has changed, we are unable to place the assessment against that property tax bill. Most times, the title company will call our office to verify what the total outstanding charges are and those numbers are included in the sale transaction, and the City gets paid.

In order to be more proactive, I suggest that we process the 'certificates of assessment' on a bi-monthly schedule; except for properties that we know are in foreclosure. In those cases I suggest we process the 'certificate of assessment' at the time of abatement.

Please let me know if you have any questions regarding this.