

ORDINANCE NO. 26-41

AN ORDINANCE AMENDING SECTION 6.09.040 OF THE OLATHE MUNICIPAL CODE PERTAINING TO DEFINITIONS.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section 6.09.040 of the Olathe Municipal Code is hereby amended to read as follows:

6.09.040 Definitions.

For the purposes of this chapter, the following definitions apply:

“Agent” shall mean any person registered with the City as agent for a property, or any non-owner listed on the Johnson County tax roll as the person to receive the tax bill notice;

“Best Management Practices” shall mean stormwater management practices used to prevent or control the discharge of pollutants into waters. These may include engineered solutions, a schedule of activities, prohibition of practices, maintenance procedures, or other management practices. They include three categories: preservation and promotion of natural hydrology (open space, natural vegetation, filter strips), engineered stormwater treatment and infiltration (bio-retention filters, engineered swales, infiltration trenches), and onsite detention and treatment (pervious pavement, wet ponds).

“Calendar Year” as used herein means that period of time beginning January 1 and ending December 31 of the same year;

“City” shall mean the City of Olathe, Kansas;

“Developed Parcel” shall mean any lot, tract, or other parcel of unimproved real estate with any man-made changes, including but not limited to buildings, structures, stormwater improvements, utilities, and other site developments.

“Excessive Growth” shall mean any vegetation which is more than eight (8) inches in height on developed parcels or more than twelve (12) inches in height on undeveloped parcels, either above the ground or in length if matted down as measured along the stem and shall include all trees, bushes, shrubs, flowers and ornamental or garden plants, either cultivated or uncultivated if such plants are not made readily distinguishable from surrounding vegetation of excessive growth and plants which are poisonous to the touch, including poison ivy ~~poison-oak and poison-sumac~~;

“Governing Body” shall mean the City Council of the City of Olathe, Kansas;

“Perennial violator” shall mean any person having control of real property for which two (2) or more notices to abate have been issued within any two (2) year period;

“Person” shall mean any individual; individuals; partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver; agent; or any representative who has charge, care or responsibility for maintenance of any property, lot or parcel of land regardless of status as owner, tenant or lessee, and regardless of whether such person has possession;

“Property owner” shall mean the person who owns the property as indicated by the records of the Register of Deeds or appraiser’s office in Johnson County, Kansas; and for purposes of this chapter shall include the owner of property abutting the streets, alleys, avenues, boulevards, public easements and public rights-of-way;

“Representative” shall mean any person listed in the Johnson County, Kansas, appraiser’s office or treasurer’s office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State’s office for corporate or partnership ownership; an agent or manager directed by the property owner, estate or court order to represent the interests of the property or to otherwise control activities on the real property; or corporate officer;

“Tenant” shall mean any person who has a severable or non-severable interest in the real property either by oral or written lease or covenant, or by other methods of conveying a limited interest in such lands; or any person who occupies or has possession of such real property;

“Undeveloped Parcel” shall mean any lot, tract, or parcel of real estate without any man-made changes, structures or other improvements, except grading.

“Vegetation” shall include, but not be limited to, weeds, woody vines, brush, grass and uncultivated plants;

“Waterways” shall include, but not be limited to, any stream, creek, brook, branch, depression, reservoir, lake, pond, or drainage way in or into which stormwater runoff flows.

“Weeds” shall include, but not be 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*), bur ragweed (*Franseria tomentosa* and *discolor*), pignut (*Hoffmannseggia densiflora*), musk (noddling), thistle (*Carduus nutans* L.), Johnson grass (*Sorghum halepense*), sericea lespedeza (*Lespedeza cuneata*), [Bush Honeysuckle \(*Lonicera Maackii*\)](#), and multiflora rose (*Rosa Multiflora*).

SECTION TWO: Existing Section 6.09.040 of the Olathe Municipal Code is hereby repealed.

PASSED by the Governing Body this ____ day of _____, 2026

SIGNED by the Mayor.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney