

ORDINANCE NO. 118

AN ORDINANCE PROVIDING FOR THE TREATMENT, REMOVAL, TRIMMING AND PLANTING OF TREES WITHIN THE CITY OF WESTWOOD HILLS, KANSAS AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS:

Section 1. Sections 4-301, 4-302, 4-303 and 4-304 of the Municipal Code of the City of Westwood Hills, Kansas, 1979 are hereby repealed and the following Sections 4-301 through 4-308 are hereby enacted in their place and stead.

Section 2. 4-301. DEFINITIONS.

"City Trees" shall mean trees, shrubs, bushes or tree materials located upon land lying between property lines on either side of a street which location is commonly referred to as the City right-of-way and which normally extends seven (7) feet from the curbline.

"Private Trees" shall mean all trees, shrubs, bushes or tree materials other than City Trees.

Section 3. 4.302. TREATMENT OF REMOVAL OF SHRUBBERY, TREES AND MATERIALS IN CITY; PAYMENT OF COSTS; NOTICE.

Whenever any competent city authority, or competent state or federal authority when requested by the governing body of the city, shall file with the governing body a statement in writing based upon a laboratory test or other supporting evidence that trees or tree materials or shrubs located upon any property within such city are infected or infested with or harbours any tree or plant disease or insect pest or larvae, the uncontrolled presence of which may constitute a hazard to or result in the damage or destruction of other trees or shrubs in the community, describing the same and where located, said governing body shall:

(a) in the case of City Trees, cause the treatment or removal thereof within a reasonable time and pay the cost of such treatment or removal from the general fund or other proper fund of the City; or

(b) in the case of Private Trees, direct the city clerk to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such designated tree, tree material or shrub within a time specified in such notice; said notice shall be served by registered or certified mail or personal service may be made by the city marshal or other police officer, by delivering a copy thereof to the owner, or agent of such property. If the property is unoccupied and the owner is a nonresident, then the City Clerk shall notify the owner by mailing a copy of the notice to the owner's last known address by registered or certified mail.

If the owner or agent shall fail to comply with the requirements of said notice within the time specified in the notice, then the city shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk, and the cost of such treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree material or shrub was located. The city clerk shall at the time of certifying other city taxes to the county clerk, certify the unpaid costs and the county clerk shall extend the same on the tax roll of the county against said lot or parcel of ground. The cost of such work shall, except as hereinafter provided, be paid from the general fund or the proper fund of the city and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the city. [K.S.A. 12-3204]

Section 4. 4-303. DEAD TREES, REMOVAL.

(a) In the case of dead City Trees, the governing body shall cause the removal thereof within a reasonable time after determining such tree is dead and pay the cost of such removal from the general fund or other proper fund of the city.

(b) In the case of Private Trees, the governing body shall have the right to cause the removal of any dead Private Tree when such tree is adjacent to any City right-of-way, utility line or wires, area where children frequent or in the judgment of the governing body constitutes a hazard to life or property. In the event the owner of the property upon which the tree is located shall not remove such dead tree, then the City Clerk shall cause notice to be given as provided in Section 4-302 hereof, and if such tree is not

removed, then the city shall cause the tree to be removed and certify the cost thereof to the county clerk as provided in Section 4-302 hereof.

Section 5. 4-304. TREES AND SHRUBS BORDERING SIDEWALKS AND STREETS.

All trees, hedges, bushes or shrubbery bordering any street or sidewalk within the City shall be properly trimmed by the owner of the property on which the hedge, bush, shrub or tree is located or pruned so as to keep the street or sidewalk unobstructed. In the event the owner shall not trim or prune so as to keep the street or sidewalk unobstructed, then the city may cause such tree, hedge, bush or shrub to be trimmed or pruned and certify the cost thereof to the county clerk as provided in Section 4-302 hereof.

Section 6. 4-305. PREVENTIVE MEASURES ON TREATMENT BY CITY, WHEN; COSTS.

The governing body, when it appears that there is or is likely to be a general infection or infestation of the trees or shrubs within the city by tree or plant disease or insect pest or larvae resulting in damage to or the death of many trees or shrubs, may provide such preventive measures or treatment as may be necessary and may pay the cost from the general fund or other proper fund. [K.S.A. 12-3205]

Section 7. 4-306. DISTANCES BETWEEN TREES AND OTHER STRUCTURES.

No tree shall be planted closer to each other and from the structures hereinafter listed than the distances specified in this section, which distances apply to the type of tree listed in section 4-307 hereof.

<u>Distance from:</u>	<u>Small Trees</u>	<u>Med. Trees</u>	<u>Large Trees</u>
each other	30 feet	40 feet	50 feet
curbs, curblines, and sidewalks	2 feet	3 feet	4 feet
fireplugs	10 feet	10 feet	10 feet
overhead utility wires	1 foot	10 feet	10 feet
underground water line, sewer line, power transmission line or other utility line	1 foot	5 lateral feet	5 lateral feet
street corner	20 feet*	20 feet*	20 feet*

*measured from the point nearest intersecting curbs or curblines

Section 8. 4-307. CLASSIFICATION OF TREES.

The following list constitutes the Official City Tree Species List for the City of Westwood Hills, Kansas. No species other than those included in this list may be planted as City Trees without written permission of the City Council. The sizes and species of tree fitting within each classification are as follows:

SMALL TREES

Goldenraintree
Pear, Bradford
Redbud
Crabapple,
Flowering (Sp)
disease resistant

MEDIUM TREES

Ash, White Seedless
Honeylocust (thornless)
Linden (Sp)
Oak, English
Red Maple

LARGE TREES

Oak, Burr
London Planetree
Cottonwood
(Cottonless, Male)
Maple, Sugar
Tulip


Section 9. 4-308. PENALTY.

Anyone upon conviction of violating any of the provisions of this Article shall be fined in an amount not exceeding \$100.00. The penalty provisions hereof shall be in addition to the remedies provided in Section 4-302.

Section 10. This ordinance shall take effect upon passage and publication in the official City Newspaper.


Passed by the Governing Body this 7th day of December, 1981.

Approved by the Mayor this 7th day of December, 1981.



Al W. Tikwart, Jr., Mayor

Attest:



Martha Gehrig, City Clerk

ORDINANCE NO. 118

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Pear, Bradford
Redbud
Crabapple,
Flowering (Sp)
disease resistant

MEDIUM TREES

Ash, White Seedless
Honeylocust (thornless)
Linden (Sp)
Oak, English
Red Maple

LARGE TREES

Oak, Burr
London Planetree
Cottonwood
(Cottonless, Male)
Maple, Sugar
Tulip


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Section 10. This ordinance shall take effect upon passage and publication in the official City Newspaper.


Passed by the Governing Body this 7th day of December, 1981.

Approved by the Mayor this 7th day of December, 1981.



Al W. Tikwart, Jr., Mayor

Attest:



Martha Gehrig, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF Kansas, Johnson County, ss:

William Shippee being first duly sworn, deposes and says that he is the publisher of the Shawnee Journal-Herald, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas, with a general paid circulation on a weekly basis in Johnson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published weekly at least 50 times a year; has been published continuously and uninterruptedly in said County and State for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Shawnee Mission, in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for

one consecutive weeks, the first publication thereof being made as aforesaid on the

10th day of May, 1982, with subsequent publications being made on the following dates:

_____, 19____

_____, 19____

_____, 19____

_____, 19____

Will D Shippee

Subscribed and sworn to before me this 20th

day of May, 1982

Jeannine J. Fry

Notary Public in and for
Johnson County, Kansas

JEANNINE J. FRY
NOTARY PUBLIC
STATE OF KANSAS

My Appt. expires: 2-24-86

Notary Fee \$ _____

Printers Fee \$ 54.30

Total Charge \$ 54.30

CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 118
First published in the Shawnee Journal
Wednesday, May 19, 1982

AN ORDINANCE PROVIDING FOR THE TREATMENT, REMOVAL, TRIMMING AND PLANTING OF TREES WITHIN THE CITY OF WESTWOOD HILLS, KANSAS AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

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(b) in the case of Private Trees, direct the city clerk to forthwith issue notice requiring the owner or agent of the owner of the premises to treat or remove any such

Case No. _____

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION

STATE OF NEW YORK
NOTARY PUBLIC
LEAH M. J. JAY
My Comm. Exp. 12/31/2024

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STATE OF Kansas, Johnson County, ss:

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That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for

One consecutive weeks,
the first publication thereof being made as aforesaid on the

19th day of May, 1982, with
subsequent publications being made on the following dates:

_____, 19____

_____, 19____

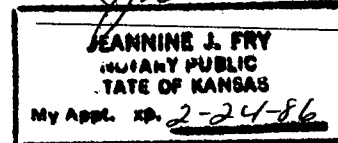
_____, 19____

_____, 19____

Will D. Shippee

Subscribed and sworn to before me this 20th

day of May, 1982



Notary Public in and for
Johnson County, Kansas

My commission expires: _____

Notary Fee \$ _____

Printers Fee \$ 54.39

Total Charge \$ 54.39

**CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 118**

First published in the Shawnee Journal
Wednesday, May 19, 1982

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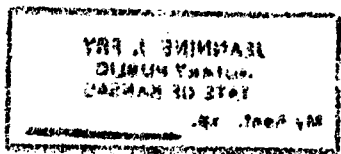
Case No. _____

Plaintiff

vs.

Defendant

PROOF OF PUBLICATION



19, 1982

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Redbud	Linden (Sp)	Cottonwood
Crabapple,	Oak, English	(Cottonless, Male)
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disease resistant		Tulip

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Attest:
Martha Gehrig, City Clerk

Al W. Tikwart, Jr., Mayor

Shawnee Police Log

MAY 9

6304 Widmer, Noise Complaint
4900 Stearns, Suspicious Activity
11300 W. 59th, Destruction of Property
12280 W. 63rd, Assault
11020 W. 57th, Refuse to Leave
12280 W. 63rd, Theft
7500 Block Cody, Aggravated Assault

MAY 10

JB's, Indecent Exposure
18000 Johnson, Woman Screaming
5600 Block Flint, Possible

Attempted Suicide

14115 W. 62nd Terr., Theft
13411 W. 71st, Attempt Burglary
49th and Ballentine, Man Sleeping in Car
13014 W. 67th, Dead Dog

MAY 11

13907 63rd Terr., Harassment
11807 W. 53rd, Destruction of Property
4800 Block Quivira, Suspicious Activity
6302 Acuff, Possible Assault
Burger King, Subject Refuse to Leave
5601 Westgate, Possible

Gee, thanks Craig, how

by bill shippee

Little is known about Feasterville, Pennsylvania to many here in Shawnee. However, the Postal Service believes Senator H. Craig Lewis, who represents Feasterville, must also serve in the Kansas House of Representatives, representing the 18th District here in Shaw-

nee.

It seems 18th District Representative David Louis recently received, in his Topeka office mail box, an edition of the Sunday Tribune addressed to Senator H. Craig Lewis, Room #168, Main Capitol Bldg., Harrisburg, Pa., 17120. The Tribune is a tabloid newspaper circulated in the

Wayne Deffenbaugh in NAIA meet

Two members of the Emporia State University men's track and field team will compete in the upcoming National Association of Intercollegiate Athletics Outdoor Championships. The meet will be May 20-22 in Charleston, West Virginia.

Among the two members who will attend from Emporia, Wayne Deffenbaugh of 5203 McAnany, Shawnee will compete in the high jump.

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while setting
aside
retirement
money...**

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Overland Park, Kansas
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is \$5.00 per column inch. Included is name of company, description of services, address and phone number. 15 word maximum, 15c for each word thereafter. Bold cap letters add \$1.00. Border add \$1.00. Minimum contract of 4 weeks paid in advance. To place your Business Service Ad call 631-2550 or mail to:

The Shawnee Journal
11004 Johnson Drive
Shawnee, Ks. 66203

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& Heating A/C**

222 Oak
Bonner Springs

441-1544

BATTERIES



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BATTERIES**

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New & Rebuilt
3400 Merriam Lane
K.C., Ks. 66106
384-5258

Automotive, Recreational,
Truck, Airplane, Motorcycle
Tractor, Boat.

OFFICE SUPPLIES

SHAWNEE COPY CENTER
OFFICE SUPPLY
63 & Quivira
268-4343

19, 1982

designated tree, tree material or shrub within a time specified in such notice; said notice shall be served by registered or certified mail or personal service may be made by the city marshal or other police officer, by delivering a copy thereof to the owner, or agent of such property. If the property is unoccupied and the owner is a nonresident, then the City Clerk shall notify the owner by mailing a copy of the notice to the owner's last known address by registered or certified mail.

If the owner or agent shall fail to comply with the requirements of said notice within the time specified in the notice, then the city shall proceed to have the designated tree, tree material or shrub treated or removed and report the cost thereof to the city clerk, and the cost of such treatment or removal shall be paid by the owner of the property or shall be assessed and charged against the lot or parcel of ground on which the tree, tree material or shrub was located. The city clerk shall at the time of certifying other city taxes to the county clerk, certify the unpaid costs and the county clerk shall extend the same on the tax roll of the county against said lot or parcel of ground. The cost of such work shall, except as hereinafter provided, be paid from the general fund or the proper fund of the city and such fund shall be reimbursed when payments therefor are received or when such assessments are collected and received by the city. (K.S.A. 12-3204)

Section 4. 4-303. DEAD TREES, REMOVAL.

(a) In the case of dead City Trees, the governing body shall cause the removal thereof within a reasonable time after determining such tree is dead and pay the cost of such removal from the general fund or other proper fund of the city.

(b) In the case of Private Trees, the governing body shall have the right to cause the removal of any dead Private Tree when such tree is adjacent to any City right-of-way, utility line or wires, area where children frequent or in the judgment of the governing body constitutes a hazard to life or property. In the event the owner of the property upon which the tree is located shall not remove such dead tree, then the City Clerk shall cause notice to be given as provided in Section 4-302 hereof, and if such tree is not removed, then the city shall cause the tree to be removed and certify the cost thereof to the county clerk as provided in Section 4-302 hereof.

Section 5. 4-304. TREES AND SHRUBS BORDERING SIDEWALKS AND STREETS.

All trees, hedges, bushes or shrubbery bordering any street or sidewalk within the City shall be properly trimmed by the owner of the property on which the hedge, bush, shrub or tree is located or pruned so as to keep the street or sidewalk unobstructed. In the event the owner shall not trim or prune so as to keep the street or sidewalk unobstructed, then the city may cause such tree, hedge, bush or shrub to be trimmed or pruned and certify the cost thereof to the county clerk as provided in Section 4-302 hereof.

Section 6. 4-305. PREVENTIVE MEASURES ON TREATMENT BY CITY, WHEN; COSTS.

The governing body, when it appears that there is or is likely to be a general infection or infestation of the trees or shrubs within the city by tree or plant disease or insect pest or larvae resulting in damage to or the death of many trees or shrubs, may provide such preventive measures or treatment as may be necessary and may pay the cost from the general fund or other proper fund. (K.S.A. 12-3205)

Section 7. 4-306. DISTANCES BETWEEN TREES AND OTHER STRUCTURES.

No tree shall be planted closer to each other and from the structures hereinafter listed than the distances specified in this section, which distances apply to the type of tree listed in section 4-307 hereof.

<u>Distance from:</u>	<u>Small Trees</u> 30 feet	<u>Med. Trees</u> 40 feet	<u>Large Trees</u> 50 feet
each other			
curbs, curblines, and sidewalks	2 feet	3 feet	4 feet
fireplugs	10 feet	10 feet	10 feet
overhead utility wires	1 foot	10 feet	10 feet
underground water line, sewer line, power transmission line or other utility line	1 foot	5 lateral feet	5 lateral feet
street corner	20 feet*	20 feet*	20 feet*

*measured from the point nearest intersecting curbs or curblines

†measured from the point nearest intersecting curbs or curblines

Section 8. 4-307. CLASSIFICATION OF TREES.

The following list constitutes the Official City Tree Species List for the City of Westwood Hills, Kansas. No species other than those included in this list may be planted as City Trees without written permission of the City Council. The sizes and species of tree fitting within each classification are as follows:

<u>SMALL TREES</u>	<u>MEDIUM TREES</u>	<u>LARGE TREES</u>
Goldenrain tree	Ash, White Seedless	Oak, Burr
Pear, Bradford	Honeylocust (thornless)	London Planetree
Redbud	Linden (Sp)	Cottonwood
Crabapple,	Oak, English	(Cottonless, Male)
Flowering (Sp)	Red Maple	Maple, Sugar
disease resistant		Tulip

Section 9. 4-308. PENALTY.

Anyone upon conviction of violating any of the provisions of this Article shall be fined in an amount not exceeding \$100.00. The penalty provisions hereof shall be in addition to the remedies provided in Section 4-302.

Section 10. This ordinance shall take effect upon passage and publication in the official City Newspaper.

Passed by the Governing Body this 7th day of December, 1981.

Approved by the Mayor this 7th day of December, 1981.

Attest:
Martha Gehrig, City Clerk Al W. Tikwart, Jr., Mayor

Shawnee Police Log

MAY 9

6304 Widmer, Noise Complaint
4900 Stearns, Suspicious Activity
11300 W. 59th, Destruction of Property
12280 W. 63rd, Assault
11020 W. 57th, Refuse to Leave
12280 W. 63rd, Theft
7500 Block Cody, Aggravated Assault

MAY 10

JB's, Indecent Exposure
18000 Johnson, Woman Screaming
5600 Block Flint, Possible

Attempted Suicide

14115 W. 62nd Terr., Theft
13411 W. 71st, Attempted Burglary
49th and Ballentine, Man Sleeping in Car
13014 W. 67th, Dead Dog

MAY 11

13907 63rd Terr., Harassment
11807 W. 53rd, Destruction of Property
4800 Block Quivira, Suspicious Activity
6302 Acuff, Possible Assault
Burger King, Subject Refuse to Leave
5601 Westgate, Possible

Gee, thanks Craig, how

by bill shippee

Little is known about Feasterville, Pennsylvania to many here in Shawnee. However, the Postal Service believes Senator H. Craig Lewis, who represents Feasterville, must also serve in the Kansas House of Representatives, representing the 18th District here in Shaw-

nee.

It seems 18th District Representative David Louis recently received, in his Topeka office mail box, an edition of the Sunday Tribune addressed to Senator H. Craig Lewis, Room #168, Main Capitol Bldg., Harrisburg, Pa., 17120. The Tribune is a tabloid newspaper circulated in the

Wayne Deffenbaugh in NAIA meet

Two members of the Emporia State University men's track and field team will compete in the upcoming National Association of Intercollegiate Athletics Outdoor Championships. The meet will be May 20-22 in Charleston, West Virginia. Among the two members who will attend from Emporia, Wayne Deffenbaugh of 5203 McAnany, Shawnee will compete in the high jump.

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Shawnee, Ks. 66203

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Bonner Springs

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SHAWNEE COPY CENTER
OFFICE SUPPLY
63 & Quivira
268-4343

Small Trees

Flowering crabapple (sp.)
Paper mulberry
Redbud
Mimosa
Hawthorn (sp.)
Flowering dogwood

Medium Trees

Honeylocust
Pin oak
Chinaberry
Kentucky coffeetree
Red mulberry (male)
Goldenraintree
Osageorange
(male, thornless)
Baldcypress
Japanese pagoda tree
Hard (sugar) maples
Ohio buckeye
Sweetgum
Tulip poplar
Black cherry

Large Trees

Bur oak
Hackberry
London planetree
American sycamore
Pecan
Red oak
Black walnut
Green ash
Silver maple
Cottonwood
(Cottonless)
Basswood

Section 8. Spacing

The spacing of Street Trees will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet.

Section 9. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

Section 10. Distance from Street Corners and Fireplugs

No Street Tree shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than 10 feet of any fireplug.

Section 11. Utilities

No Street Trees other than those species listed as Small Trees in Section 7 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

P.V. Species List

<u>Small</u>	<u>Medium</u>	<u>Large</u>
Crabapple, Flowering (SP)	Honeylocust (thornless)	Bur Oak
Redbud	Ash, White	Sugar Maple
Goldenrain tree	Red Maple	Cottonwood (male)
Bradford Pear	Sweet gum	(cottonless)
	English Oak	London Planetree
	Linden (SP)	Tulip

except by

- (1) written permission of Director of Public Works
- (2) as part of project designed by landscape architect.

Extension Report List

<u>Small</u>	<u>Medium</u>	<u>Large</u>
Crabapple Flowering	Honeylocust (thornless)	Bur Oak
Redbud	Ash, Green or White	Coffee tree
Goldenrain tree	Oak, English or Red	London Planetree
Bradford Pear	Red maple	Sugar Maple
Peach, Flowering	Sweet gum	Cottonwood (male)
Plum, Purple	Linden	
	Japanese Pagoda	

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SMALL TREES

Goldenraintree
Pear, Bradford
Redbud
Crabapple,
 Flowering (Sp)
 disease resistant

MEDIUM TREES

Ash, White Seedless
Honeylocust (thornless)
Linden (Sp)
Oak, English
Red Maple

LARGE TREES

Oak, Burr
London Planetree
Cottonwood
 (Cottonless, Male)
Maple, Sugar
Tulip

Section 9. 4-308. PENALTY.

Anyone upon conviction of violating any of the provisions of this Article shall be fined in an amount not exceeding \$100.00. The penalty provisions hereof shall be in addition to the remedies provided in Section 4-302.

Section 10. This ordinance shall take effect upon passage and publication in the official City Newspaper.

Passed by the Governing Body this 7th day of December, 1981.

Approved by the Mayor this 7th day of December, 1981.

Al W. Tikwart, Jr., Mayor

Attest:

Martha Gehrig
Martha Gehrig, City Clerk

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Linden (Sp)
Oak, English
Red Maple

LARGE TREES

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Cottonwood
 (Cottonless, Male)
Maple, Sugar
Tulip

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