

## **ARTICLE II. WEEDS**

### **SECTION 215.080: DEFINITIONS**

The following definitions are to be used in Chapter 215: NUISANCES

*NOXIOUS WEEDS:* (As may be amended from time to time by the United States Department of Agriculture) Canada thistle, common teasel, crown vetch, cut-leaved teasel, field blindweed, garlic mustard, Johnson grass, kudzu, marijuana, multiflora rose, musk thistle, purple loosestrife, and Scotch thistle.

*WOODED AREA:* Any parcel of land having more than five thousand (5,000) square feet of tree canopy coverage and where the tree canopy is primarily comprised of trees equal to or larger than five (5) inches in DBH. (Note: In the US, tree diameter is usually measured at 4.5 ft. above ground level. Measurement at this height is referred to as diameter at breast height or DBH.)

### **SECTION 215.081: WEEDS AND/OR GRASS**

No person having control of any lot of ground or any part of any lot or parcel of ground within the City shall allow or maintain on such lot or parcel of ground any growth of weeds or grass to a height of over seven (7) inches, unless the growth is in a wooded area. Lots used for pasture, farming, crops, timber, woods, prairie, or wetlands, may not be required to comply with the provisions of this Paragraph. In non-wooded areas, it shall be the duty of any person owning, leasing, occupying, or controlling any plot of ground in the city to prevent the growth of and eliminate, noxious weeds and invasive plants including but not limited to cockleburs, crown vetch, dandelions, garlic mustard, Japanese honeysuckle, Johnson grass, multiflora roses, purple loosestrife, ragweed, thistles, (see Noxious Weeds in Definitions). However, in these instances where a nuisance is determined to exist by the Building Commissioner or his/her designee, the person having control of said property or lot may be required to undertake the necessary maintenance to eliminate the growth. Those lots or parcels of real estate within any "C" Office District shall be governed by this Paragraph.

### **SECTION 215.082: RESTRICTIONS FOR ORNAMENTAL GRASSES INCLUDING BAMBOO AND NATIVE PLANTS**

- A. Ornamental grasses, bamboo and native plants are exempt from height restrictions on private property, if these grasses do not obstruct sight distance for vehicular, bicycle, or pedestrian traffic. Ornamental grasses and bamboo shall not be located within five (5) feet from an adjacent property owner(s)' property line. The City shall maintain a list of permitted ornamental grasses and native plants.

### **SECTION 215.083: DEAD TREES, BUSHES OR SHRUBBERY PROHIBITED**

No person, whether owner, lessee, or occupant, having control, possession, or use of any lot or land, property or any part of any property not in a wooded area, shall allow dead trees, bushes, shrubbery, or debris, to remain on such property. Dead trees, bushes, shrubbery, when cut down, or debris, must be promptly removed from the property and disposed of in such a manner as not to create a nuisance. It shall be the duty of those responsible under this section for the removal of dead trees, bushes, shrubbery or debris from a private lot to also remove dead trees, bushes, shrubbery, or debris, from an abutting subdivision common ground or subdivision easement.

**SECTION 215.084: DEPOSITING GRASS CLIPPINGS ON STREETS OR ALONG CREEKS, MISDEMEANOR**

No person whether owner, lessee, occupant, or contractor shall allow or permit debris of any kind including, but not limited to, weeds, grass, overgrown vegetation, dead trees, bushes or shrubbery to be placed, left, mechanically blown, swept, fall, or thrown onto any street, gutter, curb, road, lane, cul-de-sac, highway, open creek, stream, water course, public place, storm sewer, common ground, or right-of-way within the city limits. When complying with these sections in cutting, mowing, trimming of weeds, grass, rank vegetation growths, dead trees, bushes and shrubbery any such person shall promptly dispose of debris by removal or in such a manner as to not create a nuisance.

**SECTION 215.085: NOTICE TO OWNER OF VIOLATION**

When the Building Commissioner or his duly authorized agent ascertains that noxious weeds and/or vegetation as set forth in this Article are growing on any property as described in Section 215.081 and Section 215.082, he may cause a notice to be directed to the owner or other person in control of such lot or land that noxious weeds and/or other vegetation are growing thereon and must be destroyed, and that such destruction must be begun within seven (7) days after such notice is served and be completed within fifteen (15) days after such notice. The notice to the owner or other person in control of such lot or land shall be served in any one (1) of the following ways:

1. By causing such notice to be delivered to such owner, agent, occupant or other person in control either in the City or elsewhere.
2. By posting a copy of such notice upon the property in question, such notice to be deemed served at the end of twenty-four (24) hours after the posting thereof.
3. By mailing such notice or copy thereof enclosed in a sealed envelope, postage prepaid, directed to such owner or other person in control of said property, either at his place of business or residence in the City or elsewhere, such notice to be deemed served twenty-four (24) hours after the mailing of such notice in case it is directed to the business or residence address of the owner or other person in control of such property, provided that if the owner or other person in control of such property be non-residents of the City, and have no addresses, then the notice shall be deemed served at the end of such period after the mailing thereof as in the ordinary course of transmission of the mail by the United States Government would be required, for the receipt of such notice by the owner or other person in control of such land at their place of residence.

When the Building Commissioner or his duly authorized agent ascertains that dead trees, bushes, shrubbery, or debris remain on property as described in Section 215.083, abatement must be begun within seven (7) days after such notice is served and be completed within thirty (30) days after such notice. The notice to the owner or other person in control of such lot or land shall be served in any one (1) of the ways as set forth above.

**SECTION 215.086: REMOVAL BY CITY UPON OWNER, LESSEE, OR OCCUPANT'S FAILURE TO COMPLY WITH NOTICE, COLLECTION OF COSTS.**

If the weeds, grass, overgrown vegetation, or dead trees, bushes or shrubbery or debris are not cut down and removed from such property on or before the date specified in section 215.085, the Building Commissioner, or his designee, may without further notice, have the same cut down and removed from such property. The Building Commissioner, or his designee, shall certify the cost of such cutting and removal to the city clerk who shall cause the certified costs to be included in a special tax bill or added to the annual real estate tax bill for such property, at the clerk's option, and the certified costs shall be collected in the same manner and procedure for collection of real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and the collection of the delinquent bill shall be governed by such laws applicable to delinquent and back taxes. The tax bill shall, from the date of its issuance, be deemed a personal debt against the owner of the property and shall also be a lien on the property until paid. The lien shall be enforceable in any manner provided by law and shall bear interest at the rate of eight (8) percent per annum.

**SECTION 215.087: ADMINISTRATIVE COSTS AND LIEN RECORDING FEES**

As a part of the cost of cutting weeds, rank vegetation growth, dead trees, bushes and shrubbery pursuant to this Article, each lien issued under this Article shall include such reasonable administrative charges as are determined by the Building Commissioner for inspecting, giving notice for issuing and recording the lien.

**SECTION 215.088: FAILURE TO COMPLY WITH NOTICES, MISDEMEANOR**

If the weeds, grass, rank vegetation growths, or dead trees, bushes, shrubbery, or debris, are not cut down and removed from such property on or before the date specified in section 215.085, the owner, lessee, or occupant of such property shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to penalties as provided for in Section 100.100 of this Code. Any person whether owner, lessee, occupant, or contractor is found in violation of Section 215.084, shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to penalties as provided for in Section 100.100 of this Code.

**SECTION 215.089: COST OF NUISANCE OR REMOVAL ABATEMENT**

- (a) In addition to any other remedy or procedure provided by Missouri Statute or city ordinances, if the owner of property has failed to begin or pursue without unnecessary delay, the removal of a nuisance and the city has removed or abated a public nuisance that has been declared to exist on any lot or land, as provided in the Ordinances of the City of Clarkson Valley, the cost of such removal or abatement may be added by the city to the annual real estate bill for the property and collected in the same manner and procedure for collecting real estate taxes.
- (b) The Mayor is hereby authorized and directed to enter into such agreements with St. Louis County as are necessary or appropriate for St. Louis County to include such nuisance abatement fees with the tax bills sent each year by St. Louis County to residents of the City of Clarkson Valley, onto the tax bill of the owner of the property where said nuisance was removed or abated.

**SECTION 215.090: PENALTIES**

Any owner, agent, occupant or person in control of any property described in Sections 215.081, 285.082, 285.083 and 285.084 who shall violate or fail to comply with any provisions of this Article, including failure to comply with the notice as described in Section

215.085, shall upon conviction be punished as provided in Section 100.100 of this Code. Each day of such violation shall constitute a separate offense as to each separate lot or tract of ground owned or controlled by such owner, agent, occupant or person in control of the property. (CC 1990 §8-135; Code 1977 §12.080(7); Ord. No. 89-4 §1, 3-7-89)