

Proposed by Legal Department

BILL NO. 4074, as amended

Introduced by Councilman Fowler

ORDINANCE NO. 4257

AN ORDINANCE AMENDING SECTIONS 245.290, 245.300, 245.310, 245.320 AND 515.450 OF THE CODE OF ORDINANCES AND ADDING SECTIONS 245.330, 245.340 AND 245.350 TO THE CODE OF ORDINANCES, CITY OF BLUE SPRINGS, MISSOURI, TO REGULATE THE HEIGHT OF WEEDS AND THE ABATEMENT THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUE SPRINGS, MISSOURI, AS FOLLOWS:

Section 1: That Sections 245.290 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

"SECTION 245.290: DEFINITIONS

The following terms, as used in this Article, unless the context specifically indicates otherwise, are defined as follows:

NOXIOUS PLANTS: Poison ivy, poison oak, and poison sumac, at any height or state of maturity.

WEEDS: Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens.

OWNER: The term "owner" shall include the real and actual owner of the fee title; and in case of joint tenancy, tenancy by the entireties or tenancy in common, each owner thereof; the life tenant; occupant; tenant; lessee; tenant at will; tenant at sufferance; adverse possessor and any other person; firm; partnership; corporation; or association; or any officer, agent, broker or managing representative thereof referenced in Section 245.340; asserting or having any right, title, responsibility or interest in any lot, tract or parcel of land in the City. The land records filed in the office of the recorder of deeds of the county within which any such lot, tract or parcel of land shall be located, and any other official record of such county or of the City may be used to determine such owner, as herein before defined as of any given date. "

Section 2: That Sections 245.300 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

"SECTION 245.300: NUISANCE DECLARED

Weeds which exceed eight (8) inches in height and noxious plants of any height, as they are herein defined, which are allowed to stand at any season of the year upon any lot, tract or parcel of land, or along the sidewalk, street, or unpaved alley adjacent to such lot, tract or parcel of land, are hereby declared to constitute a nuisance and shall be removed pursuant to Sections 245.310 and 245.320; provided that this Article shall not apply to

land zoned or used for agricultural use which is more than twenty-five (25) feet distant from any occupied residential subdivision lot, tract or parcel of land or undeveloped tracts of land zoned other than for agricultural uses if such tract is one contiguous tract, not intersected by any public roadway and is greater than ten acres, provided that all areas within twenty-five (25) feet from the edge of pavement of a public roadway(s), or within twenty-five (25) feet of the property line(s) adjacent to any property being used for residential or commercial purposes shall be maintained free from weeds or plant growth in excess of eight (8) inches."

Section 3: That Sections 245.310 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

"SECTION 245.310: REMOVAL REQUIRED

It shall be unlawful for any owner, lessee, occupant, or any agent, representative or employee of any such owner, lessee or occupant, having control of any lot, tract or parcel of land, except as hereinbefore provided, to allow weeds which exceed eight (8) inches in height or noxious plants of any height, as they are herein defined, to grow or stand upon such premises, and it shall be the duty of such owner, lessee, occupant, or any agent, representative or employee of any such owner, lessee or occupant, to act, cut, remove or destroy any and all such weeds and to remove or destroy any noxious plants on such premises."

Section 4: That Sections 245.320 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended to read as follows:

**"SECTION 245.320: NOTICE TO CUT -- FAILURE TO COMPLY --
PROCEDURE -- SPECIAL TAX BILLS**

Whenever weeds and/or noxious plants, in violation of this Article, are allowed to grow on any part of any lot or ground within the City limits, the owner of the ground, or in case of joint tenancy, tenancy by the entireties or tenancy in common, each owner thereof, shall be liable. The Codes Administrator or his/her designee shall hold a hearing on a business day after four (4) business days notice thereof, either served personally or sent by United States mail, to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon the Codes Administrator or his/her designee may declare the weeds and/or noxious plants to be a nuisance and order the same to be abated within five (5) business days of the order; and in case the weeds are not cut down and removed and/or the noxious plants are not removed within the five (5) business days following the order, the Codes Administrator or his/her designee shall have the weeds cut down and removed and/or the noxious plants removed, and shall certify the costs of the same together with the sum of seventy-five dollars (\$75.00) administrative fee, said administrative fee to increase annually by the percentage increase in the Consumer Price Index for that year, to the City Clerk or Finance Director,

who shall cause a special tax bill therefore against the property to be prepared and to be collected by the City, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Finance Department of the City on or before the first (1st) day of June of each year. Such tax bill, if not paid when due, shall, if allowed by law, bear interest at the rate allowed by law."

Section 5: That the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended by adding Section 245.330, which said Section shall read as follows:

"SECTION 245.330: HIGH WEEDS AND HIGH GRASS PROHIBITED
Any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any lot of ground or any part of any lot who shall allow or maintain on any such lot any growth of weeds or grass to a height of eight (8) inches or more shall be deemed guilty of a misdemeanor. Whenever private property abuts a public right-of-way or easement belonging to the City of Blue Springs or any public entity and there exists in such right-of-way or easement a tree, lawn or grassy area between the private property line and the midline of said right-of-way or easement, then such tree, lawn or grassy area shall be considered, for purposes of this Section requiring the cutting of grass and weeds, to be a part of the private lot which abuts the right-of-way or easement and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the tree, lawn or grassy area within the abutting right-of-way or easement and all of the provisions of this Article shall apply with equal force and effect to said tree, lawn or grassy area. "

Section 6: That the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended by adding Section 245.340, which said Section shall read as follows:

"SECTION 245.340: APPLICABILITY OF ARTICLE TO CORPORATIONS & LIMITED LIABILITY COMPANIES
Any officer of a corporation or limited liability company, or the person in charge of the local office of such corporation or limited liability company, which is the owner of any real property on which weeds or noxious plants stand or grow in violation of this Article, who shall have been notified by notice as provided for in Section 245.320 hereof, upon the failure, neglect or refusal of such corporation or limited liability company to comply with such notice, shall be guilty of violating the provisions of this Article; and notice to the person in charge of the local office or any such officer or registered agent, as shown by the articles of incorporation or formation of

such corporation or limited liability company or the latest amendment thereof on file in the office of the recorder of deeds of the county in which filed or in the file of the office of the Secretary of State, shall constitute notice to such corporation or limited liability company."

Section 7: That the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended by adding Section 245.350, which said Section shall read as follows:

"SECTION 245.350 PENALTY

Any owner, person, firm, or corporation violating any of the provisions of this Article, shall upon conviction be punished by a fine which fine shall be not less than the minimum amount set out in the following schedule:

- (1) First offense \$ 50.00
- (2) Second offense \$100.00
- (3) Third offense \$300.00
- (4) Fourth and subsequent offenses . . . \$500.00,

And, in addition, the Court may impose such imprisonment not exceeding ten (10) days as the Court deems appropriate. Each day any violation of these provisions shall continue shall constitute a separate chargeable and punishable offense."


Section 8: That Section 515.450 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby amended by amending the following definition in its respective alphabetical position which said definition shall read as follows:

"NOXIOUS PLANTS: Poison ivy, poison oak, and poison sumac, at any height or state of maturity."

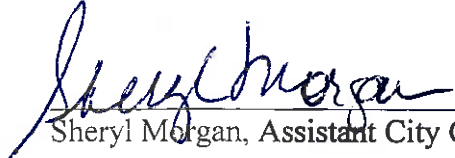
Section 9: That Section 220.760 of the Code of Ordinances, City of Blue Springs, Missouri, is hereby repealed and shall be deleted from the Code of Ordinances.

Section 10: That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council of the City of Blue Springs, Missouri, and approved by the Mayor of the City of Blue Springs, this 17th day of August, 2009.



Carson Ross, Mayor

ATTEST:


Sheryl Morgan, Assistant City Clerk

1st reading: August 17, 2009
2nd reading: August 17, 2009