

Chapter 65 -- Weeds

(Chapter revised by Ordinance 969 passed and effective on April 28, 2012)

65.010. Cutting and removal of grass, weeds, etc. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee, or occupant having control of any occupied lot or land or any part thereof in the City, or for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any unoccupied lot or land or any part thereof in the City which is surrounded on three or more sides by occupied land, to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb, any growth of weeds, grass, and poisonous or harmful vegetation to a greater height than eight (8) inches on the average, unless a different standard is established by Section 65.015 of this Code, or any accumulation of dead weeds, grass or brush, and it shall also be unlawful for any person or persons to cause, suffer or allow nuisance weeds, such as poison ivy, ragweed or other poisonous plant, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place, and the growth of such weeds, grass and poisonous or harmful vegetation be and hereby is declared to be a nuisance.

65.015 Standards for Growth of Vegetation Based on Land Use. Notwithstanding the provisions of Section 65.010, the Board of Aldermen of the City of Sarcoxie does hereby establish the following standards for growth of vegetation, based on land use, as follows:

- 1) Residential/Commercial – maximum of 8 inches.
- 2) Vacant lot (without structures) – 12 inches.
- 3) Agricultural - no grass height restriction.
- 4) Wilderness – no grass height restriction, except for an 8-foot setback around the perimeter. In this perimeter, grass shall be no higher than 12 inches.
- 5) Land that is inclined by more than 30 degrees is exempt from grass height restriction.
- 6) Perimeter fences must be kept free of vines, nuisance weeds, and scrub brush.
- 7) Nuisance weed restrictions apply to all categories”.

The Board of Aldermen of the City of Sarcoxie may, upon application of an owner of the property, grant a waiver of the provisions of Section 65.010 dealing with the height of vegetation and establish a classification of property in accordance with this Section. The burden shall be upon the property owner to provide such information as required by the Board of Aldermen to grant such waiver and the granting of the waiver may be rescinded or may be conditioned upon maintenance of part of the property in a condition that satisfies the provisions of this Chapter, in the discretion of the Board of Aldermen of the City of Sarcoxie, Missouri”

65.020. Waiver for Property Used for Agricultural Purposes. Notwithstanding the provisions of Section 65.010, the Board of Aldermen of the City of Sarcoxie, may, upon

application of an owner of property, grant a waiver of the provisions of Section 65.010 dealing with the height of vegetation, if such property is found to be actively used for agricultural purposes. The burden shall be upon the property owner to provide such information as required by the Board of Aldermen to grant such waiver and the granting of the waiver may be rescinded or may be conditioned upon maintenance of part of the property in the condition which satisfies the provisions of this Chapter, in the discretion of the Board of Aldermen of the City of Sarcoxie, Missouri.

65.030. When the City to do Work. If the provisions of this Chapter are not complied with, the Police Chief, or other official designated by the Mayor, shall hold a hearing, after four (4) days notice thereof given to the owner of the lot or his agent, the occupant if any, and the lessee if any. For the purposes of this Section, notice shall be deemed to be given if personal notice of the same is served upon such individual at least four (4) days prior to the intended hearing, or the City Clerk or his designee shall have deposited in the U.S. Mail, postage prepaid, to such names and addresses as known to the Clerk after diligent search. Following the hearing, the Police Chief or other designated official may declare the weeds to be a nuisance and order the same to be abated within five (5) days. In the event that the weeds are not cut down and removed within five (5) days, the Police Chief or other designated official shall have the weeds cut down and removed and shall certify the cost of the same to the City Clerk. The City Clerk shall cause a special tax bill therefore against the property to be prepared and to be collected by the collector, with other taxes assessed against the property. 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 of 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 Collector on or before the first day of June of each year. Such bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

65.040. Penalty. Each person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this Ordinance, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Police Chief or other representative of the City in the cutting and removal of weeds, grass and other vegetation, shall upon conviction thereof, be guilty of a misdemeanor. The preparation of a tax bill, as authorized by Section 65.030 shall not relieve any person of liability under this Section.

- 1) Each person convicted of a violation of this Section shall be penalized as provided in Section 13.010 of this Code.
- 2) As provided in Section 13.020 of this Code, each day on which a violation of this Chapter continues shall constitute a separate offense.