

AN ORDINANCE PERTAINING TO HIGH WEEDS DEBRIS AND HIGH GRASS PROHIBITED-PENALTY AND STATING WHEN THIS ORDINANCE SHALL TAKE EFFECT AND REPEALING ORDINANCE NO. 761 AND 738

WHEREAS, the City of St. Mary, Missouri needs to address weeds, grass, debris, trees, shrubs and vegetation that grow to create a nuisance within the city limits.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

SECTION 1.) WEEDS DEFINED

For the purpose of this ordinance “weeds” is defined as:

- a) dense growth of wild shrubbery, trees with a trunk that is less than 1 ½” in diameter measured at a height of 42” above grade, brush and /or woody vines, regardless of height, having stems or trunks less than four inches in diameter:
- b) noxious or poisonous plants, including but not limited to poison ivy, poison oak and poison sumac, at any height or state of maturity:
- c) Plants which bear or may bear seeds of a downy or winged nature.
- d) Plants and/ or grasses which attain such large growth as to become, when dry, a fire menace to adjacent improved property:
- e) Vegetation and /or grasses which, because of height has a blighting effect of the neighborhood. Any such vegetation or grasses shall be presumed to be blighting if they exceed seven inches in height.

The term “weed” shall not include cultivated trees, plants, bushes, shrubbery or any height nor stock which has been purchased at a nursery.

SECTION 2.) DEBRIS DEFINED

For the purpose of this ordinance “debris” is defined as:

- a) weed cuttings, cut and fallen trees and shrubs, overgrown vegetation, noxious weeds and grass which are seven(7) inches or more in height:
- b) rubbish and/ or trash:
- c) lumber not stacked twelve(12) inches off of the ground:
- d) rocks and bricks, tin, steel, parts of derelict motor vehicles, broken furniture, and any flammable material:
- e) any shrubbery, weeds, trees, bushes, vegetation or grass blocking the view of motorists at roadway intersections:
- f) Any other material found on any lot or land which is unhealthy, unsanitary or unsafe.

SECTION 3.) VIOLATION

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, as defined herein, or

grass to a height of seven (7) inches or more, or who shall allow or maintain on any such lot debris as defined herein, shall be deemed guilty of a misdemeanor. Whenever private property abuts a public right-of-way or easement belonging to the city of St. Mary, 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 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 section shall apply with equal force and effect to said tree, lawn or grassy area.

Everyday the violating weeds or debris remain on the property shall be considered a new offense chargeable as a new and separate violation of this ordinance.

No notice of the violating weeds or debris shall be required prior to the issuance of charges for violation of this ordinance.

After seven(7) days the city will then proceed to clean properties that or in violation of this ordinance by means of their own employees (if possible) or bid out for removal of trees, weeds, debris, lawn or grassy areas. The City will have a set rate per hour with equipment needed for clean up of these properties

City rates for clean up of properties that are in violation of this ordinance

The city's rate for cleaning of properties of weeds and debris will be fifty dollars (50.00) per hour per employee which is one hundred dollars per hour for two Employees. This is including all equipment that the city uses.

Bids will be taken for contract work if the City is unable to clean properties that are in violation of this ordinance.

SECTION 4.) NOTICE

Enforcement of this ordinance shall be the responsibility of the City Police Department. Enforcement shall begin by providing notice to the owner of the property of the nuisance condition existing on the property. The Notice shall be delivered by personal service, by certified mail, or by ordinary mail. (If sent by ordinary mail, there will be a refutable presumption that the letter was delivered five (5) days after the date it was sent).

- a) The notice shall generally describe the nature of the nuisance, the location of the property (using the street address rather than a legal description, when reasonably possible to do so). And ordering the property owner, lessee or occupant to, within a period of seven (7) days of receipt of the notice to abate the nuisance.
- b) Any owner who wishes to challenge the order of abatement may do so, provided that within the seven(7) day period he/she requests a hearing on the validity of the request is made within the time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the Board of Aldermen.

The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his right to request such hearing shall be given by including a copy of this ordinance with any notice sent under authority of this section. Once a request for a hearing is received, the hearing shall be conducted in

accordance with the "contested case" provisions of the State Administrative procedure Act. The City Attorney shall represent the City at such a hearing.

SECTION 5.) ABATEMENT OF NUISANCE

If the nuisance is present on the property seven (7) days after receipt of the notice by the property owner, the enforcement office shall cause the same to be abated. (The cost of abatement may also include a fee for the city's cost in administering this ordinance, which office fee shall not exceed one hundred dollars (100.00). The enforcement official shall certify the cost of such abatement to the city collector who shall cause the certified cost to be included in the special tax bill or added to the annual real estate tax bill and shall be collected in the same manner and procedure as for collecting real estate taxes.

SECTION 6.) VIOLATION IS AN OFFENSE

An owner who fails to remove a nuisance within seven (7) days of being notified to do so by the notice/abatement order described in section 4 shall be guilty of an offense and will be charged in municipal court with the offense of "failure to abate a nuisance. The fine shall be \$25.00 for the 1st offense, \$50.00 for the 2nd offense, \$75.00 for the 3rd offense and an additional \$25.00 shall be added for each offense thereafter.

SECTION 7.) This ordinance shall be in full force and effect from and after its passage and approval.


SECTION 8.) All ordinance or parts of ordinances in conflict with this ordinance shall be, and the same are hereby repealed insofar as they may be in conflict.

SECTION 9.) The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Passed and Approved this the 31st day of August 2011.


MAYOR CARLTON WYATT

ATTEST:


CITY CLERK JASON N. MARTIN

ALDERMEN	AYE	NAY	ABSTAIN
Alderman Bovey	✓		
Alderman Cassoutt	✓		
Alderman Bequette	✓		
Alderman Gerardot		✓	

Joann E. Donze

I, ~~Jason N. Martin~~, Clerk of the City of St. Mary, Missouri do hereby certify that the foregoing ordinance was duly passed and adopted by the Board of Aldermen of the City of St. Mary, Missouri at a regular meeting thereof assembled this the 31st day of August, 2011

Jo Ann E. Donze

City Clerk ~~Jason N. Martin~~