

City of Fredericktown, MO
Monday, June 3, 2019

Chapter 215. Nuisances

Section 215.130. Weeds And Other Vegetation Declared Nuisances.

[R.O. 2013 § 210.130; Ord. No. 13-16 § 1, 4-8-2013]

- A. Weeds And Other Vegetation Declared Nuisance — When. 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 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 seven (7) inches on the average or any accumulation of dead weeds, fallen trees or shrubs, grass or brush, and it shall also be unlawful for any person or persons to cause, suffer or allow 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 of a height of more than seven (7) inches be and hereby is declared to be a nuisance. Any violation may be corrected by the City under Subsection (D) of this Section and brought before the Municipal Court as provided in Subsection (E) of this Section.
1. Exceptions:
 - a. Any lot or tract of land in excess of ninety thousand (90,000) square feet which is not being used for an industrial, commercial or residential purpose shall have a border within which all weeds, grass or vegetation (other than trees, decorative shrubs or cultivated flowers) shall be maintained at a height of no greater than seven (7) inches on the average. Said border shall be measured along its perimeter twenty-five (25) feet deep from the public right-of-way and/or from any adjoining lot or tract of land used for an industrial, commercial or residential purpose.
 - b. Any lot or tract of land in excess of ninety thousand (90,000) square feet which is used exclusively for agricultural purposes. For purposes of this exception, "agricultural purposes" shall be defined as row crops, vegetable crops, or orchards.
- B. Vegetation At Street Intersection Prohibited. No person shall allow any vegetation (trees, shrubs, grasses, etc.) or any other object, including a sign of any type, to be so located

as to unreasonably obstruct the view of approaching or cross traffic at any street intersection. Any obstruction within the triangle formed on each side of which is fifty (50) feet along the street from the outer edge of the intersection and the hypotenuse is presumptively in violation of this Section. Any violation may be corrected by the City under Subsection (D) of this Section and otherwise brought before the Municipal Court as provided in Subsection (E) of this Section.

- C. **Duty Of Owner, Etc., To Remove.** It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Subsection (A) of this Section.
- D. **Abatement Procedure.** If the provisions of this Section are not complied with, the Code Official shall give notice to the owner of the lot or his/her agent, the occupant, if any, and the lessee, if any. The notice may be delivered by personal service, by certified mail or by ordinary mail. If sent by ordinary mail, there is a rebuttable presumption that the letter was delivered three (3) days after the date it was sent. If the name or address of the owner or the owner's agent is unknown or if the mail is returned, then the service shall be made by posting such notice on the property. Any of the individuals receiving notice shall have the right to protest said notice within ten (10) days of receipt by requesting a hearing before the City Administrator as set forth in Section **215.070**. In the event that the weeds or other vegetation are not cut down and removed within ten (10) days, or in the event that protest has not been filed within ten (10) days, the Code 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 therefor 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 more 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 September of each year. Such bills, if not paid when due, shall bear interest at the minimum rate of interest allowed by law.
[Ord. No. 17-05 § 5, 3-17-2017]
- E. **Violation And Penalty.** Each person who shall violate any provision of this Section or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Code Official or other representative of the City in the cutting and removal of weeds, grass and other vegetation shall, upon conviction thereof, be fined in an amount as set forth in Section 479.353, RSMo.
[Ord. No. 17-05 § 5, 3-17-2017]