



Jackson County Missouri

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Legislation Text

File #: 3881, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 4600., 4610., 4611., 4612., 4613., 4614., 4620., 4630., 4631., 4632., 4633., 4640., 4641., 4642., 4643., 4650., 4651., 4652., 4660., 4661., 4662., 4663., 4664., 4665., and 4666., Jackson County Code, 1984, relating to weed control, and enacting in lieu thereof twenty-five new sections relating to the same subject, with a penalty provision.

ORDINANCE #3881, March 19, 2007

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, Chapter 46, Jackson County Code, 1984, relating to weed control, has not been reviewed in almost thirty years; and,

WHEREAS, it is appropriate that this chapter be reviewed and updated to reflect the current organization and structure of county government, and current definitions and techniques relating to weed control; and,

WHEREAS, such review and updating are in the best interests of the health, safety, and welfare of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Sections 4600., 4610., 4611., 4612., 4613., 4614., 4620., 4630., 4631., 4632., 4633., 4640., 4641., 4642., 4643., 4650., 4651., 4652., 4660., 4661., 4662., 4663., 4664.,

4665., and 4666., Jackson County Code, 1984, are hereby repealed, and the twenty-five sections enacted in lieu thereof, to be known as sections 4600., 4610., 4620., 4630., 4631., 4640., 4641., 4642., 4643., 4650., 4651., 4652., 4653., 4654., 4655., 4656., 4657., 4658., 4660., 4661., 4662., 4663., 4664., 4665., and 4666., to read as follows:

CHAPTER 46

4600. Scope.

The provisions of this chapter shall apply to any property for which a Subdivision Plat has been recorded in accordance with law [and on all property within one hundred feet (100') from the out-boundary of a subdivision] in the unincorporated area of Jackson County.

4601. - 4609. RESERVED

4610. Definitions.

The following terms as used in this chapter have the following meanings.

Director.

The Director of the Jackson County Public Works Department or such other department as may be charged by the County Executive with administration of this chapter, or the Director's authorized representative.

Health Officer

[Health Officer means] The [Director of the Jackson County Health Department or his authorized representative] Jackson County Code Enforcement Officer.

Native Plantings.

Those species of plants found in the central plains of which the Kansas City region is a part such as: buffalo grass (buchloe dactyloides); little blue stem (schizachyrum sloparium); ninebark (physocarpus opulifolius); black-eyed susan (rudbeckia fulgida); or prairie dropseed (sporobolus heterolepsis). Plants used for the purpose of landscaping and rain gardens.

Noxious Plants.

Plat.

Real property that is included within the area of land covered by a map or drawing to scale recorded with the Recorder of Deeds.

Rank Weed.

[Rank weed means:]

- a. Vegetation With Noxious Odor. Any vegetation which may exhale unpleasant or noxious odors; or

- b. Vegetation Taller Than Fifteen Inches. Vegetation, other than agricultural, [or] horticultural products, or native plantings, which exceeds fifteen inches (15") in height; or

- c. Vegetation Harboring Vermin. All vegetation, regardless of height, which conceals or invites filth deposits or which harbors rodents, refuse, or vermin.

- d. Examples. Rank weed includes but is not limited to the following: [Pennsylvania smartweed (polygonum pennsylvaniaim);] curled dock, sour dock (rumex crispus); lambsquarter (chenopodium

album); common
ragweed (ambrosia [artemisifolia] artemisiifolia); giant ragweed (ambrosia trifida), [horseweed,] kinghead (ambrosia trifida); giant fox tail (setaria [faberii] faberi); Johnson grass (sorghum halepense); hemp (cannabis sativa); stinging nettle, nettle (urtica procera); smooth dock (rumex [latissimus] altissimus); [mullen] mullein (verbascum thapsus); gray goldenrod, field goldenrod (solidago [hemoralis] nemoralis); [polkweed] pokeweed (phytolacca Americana), polkberry (phytolacca americana); wild onion (allium [canadense] canadense); field [pepper grass] peppergrass and cos cress (lepidium campestre), [cos cress (lepidium campestre)]; leafy surge (euphorbia esula); wild carrot, Queen Anne's lace (daucus carota); wild parsnip (pastinaca sativa); nodding thistle (carduus nutans); beggar tick (bidens [frondosa] laevis); burdock (arctium minus); sticktight ([lappula echinate] bidens laevis); perennial ragweed (ambrosia [psilostachya] psilotachya); [daily fleabane,] whitetop (erigeron strigosus); [bitterweed, yellow dog fennel (helenium tenuifolium);] prickly lettuce ([lacuca scarivla] lactuca serriola); yellow goat's beard (tragopogon [major] pratensis); tumbleweed or prostrate pigweed (amaranthus albus).

Subdivision.

The partitioning of a parcel or tract of land by an owner or developer into two (2) or more lots of any size for the purpose of sale, lease, or development, whether immediate or future.

Thickets.

[Thickets mean] Dense growth of wild shrubbery, having stems or trunks less than one inch (1") in diameter, or briar patches.

4611. - 4619. RESERVED

4620. Public Nuisance.

Rank Weeds, Thickets, or Noxious Plants growing or being on any property for which a

Subdivision Plat has been recorded in accordance with law [and on all property within one hundred feet (100') from the out-boundary of a subdivision] in the unincorporated area of Jackson County [is] are hereby declared a public nuisance.

4621. - 4629. RESERVED

4630. Duties of Owner of or Occupant.

The [following] duties of this chapter shall apply to every owner, occupant, or person in control of any property described in section [5620.00] 4600.

4631. Rank Weeds, Thickets, and Noxious Plants.

Every owner, occupant or person in control of any property to which this chapter applies shall keep that property free from Rank Weeds, Thickets, and Noxious Plants and shall cut, remove, or destroy any Rank Weed, Thickets, [or] and Noxious [weeds] Plants on that property.

[4632. Chemical Compounds.

Any chemical compound used to destroy the vegetation must be approved by the Health Officer.

4633. Debris.

All debris on any property to which this chapter applies shall be removed or destroyed.]

4632. - 4639. RESERVED

4640. Notice to Owner.

When the Health Officer determines that Rank Weeds, Thickets, [and] or Noxious Plants are growing on any property subject to this chapter, the Health Officer shall notify the owner or other person in control of the [land] property that this vegetation is growing on that property.

4641. Contents of Notice.

Notice of the determination by the Health Officer that Rank Weeds, Thickets, [and] or Noxious Plants are growing on property subject to this chapter shall contain the following information:

4641.1 Presence.

The notice shall state that Rank Weeds, Thickets, [and] or Noxious Plants are growing on that property.

4641.2 Destruction.

The notice shall [state] advise that the Rank Weeds, Thickets, [and] or Noxious Plants growing on that property must be cut, destroyed, or removed [by any of the approved methods].

4641.3 Time to [Commence] Comply.

[The notice shall state that the destruction of rank weeds, thickets and noxious plants must begin within seven (7) days after the notice is served.]

The Rank Weeds, Thickets, or Noxious Plants shall be cut, removed, or destroyed within fifteen (15) days after the notice is served.

[4641.4 Time to Complete.

The notice shall state that the destruction of rank weed, thickets and noxious plants must be completed within fifteen (15) days after the notice.]

4642. Service of Notice.

Notice to the owner or other person in control of the [land] property shall be served in any of the following ways.

4642.1 Personal Delivery.

Notice may be served by delivering the notice to the owner, agent, occupant, or other person in control either in the county or elsewhere.

4642.2 Posting on Property.

Notice may be served by posting a copy of the notice on the property where the Rank Weed, Thickets, [and] or Noxious Plants are found.

4642.3 [Mailing] Certified or Registered Mail.

Notice may be served by [mailing] sending, via United States Postal Service first class, certified, or registered mail, the notice to the owner or other person in control of the property, either at his place of business or residence.

4643. When Notice Deemed Served.

Notice is deemed served as follows:

4643.1 Posting on Property.

The notice is deemed served twenty-four (24) hours after the posting on the property where the Rank Weeds, Thickets, [and] or Noxious Plants are found.

4643.2 [Mailing to Jackson County Address.

The notice is deemed served twenty-four (24) hours after the mailing of the notice if the business or residence address of the owner or other person in control of the property is in Jackson County.]

By Certified or Registered Mail to Resident.

Notice given by certified or registered mail is deemed served twenty-four (24) hours after the mailing of the notice, if the business or residence address of the owner or other person in control of the property is in Jackson

County, Missouri.

4643.3 [Mailing to Nonresident.

The notice is deemed served at the end of three (3) days if the owner or other person in control of the property is a nonresident of Jackson County.]

By Certified or Registered Mail to Nonresident.

Notice given by certified or registered mail is deemed served at the end of three (3) days after mailing the notice if the owner or other person in control of the property is a nonresident of Jackson County, Missouri.

4644. - 4649. RESERVED

4650. Weed Control, Failure to Comply.

If the owner or other person in control of the property fails to comply with the notice given by the Health Officer, the Health Officer shall process as follows:

4650.1 Destruction of Vegetation.

The Health Officer shall cut, destroy, or remove the vegetation [by one of the methods set forth in this chapter].

4650.2 Right to Enter Property.

The Health Officer or his representative shall have the right to enter the property on which the vegetation is growing to enforce this chapter.

4650.3 Means of Destroying Vegetation.

The Health Officer may use any suitable means or assistance for the purpose of destroying the [weeds] vegetation.

4650.4 Contract With Private Firms.

The Health Officer may contract with a private firm[s] to destroy the [weeds] vegetation after the letting of a contract[s] by the Director of Finance and Purchasing [Manager].

4651. Penalty.

Any owner, agent, occupant, or person in control of any property subject to the provisions of this chapter who fails to comply with the notice of the Health Officer shall, on conviction, be fined not more than two hundred dollars (\$200) or be imprisoned in the county jail for a term not to exceed thirty (30) days, or both.

4652. Separate Offense.

Each day of violation shall constitute a separate offense as [the] to each separate lot or tract of ground owned or controlled by the owner, occupant, [of] or agent.

HEARING

4653. Hearing.

4653.1 Time to Request.

The owner of the property may request a hearing within the fifteen (15) days period referred to in section 4641.3.

4653.2 Scope of Review.

The owner of the property may request that a hearing be conducted for the purpose of contesting the determination of the Health Officer that Noxious Plants, Thickets, or Rank Weeds exist on the property or for the purpose of contesting the determination that the property is owned by the alleged owner.

4653.3 Hearing Officer.

The Director shall conduct the hearing.

4653.4 Notice of Hearing.

The alleged owner of the property shall be notified of the hearing by certified or registered mail at least five (5) days prior to the date set for hearing.

4654. Time for Hearing.

The Director shall conduct the hearing as soon as may be practicable but no earlier than five (5) days after notice by certified or registered mail is given to the alleged owner of the property.

4655. Property Owner Rights at Hearing.

have the following rights:

4655.1 Represented by Counsel.

The alleged owner of property shall have the right to be represented by counsel.

4655.2 Present Testimony.

The alleged owner of the property shall have the right to present testimony.

4655.3 Offer Evidence and Arguments.

The alleged owner of the property shall have the right to offer evidence and arguments.

4655.4 Cross-Examine Witnesses.

The alleged owner of the property shall have the right to cross-examine witnesses.

4656. Testimony Under Oath.

All testimony at the hearing shall be taken under oath which may be administered by the Director or other person

authorized to administer oaths.

4657. Determination of Director.

If the Director after the hearing determines that Rank Weeds, Thickets, or Noxious Plants exist on the property and that the person requesting the hearing is the owner of the property on which Rank Weeds, Thickets, or Noxious Plants are located, the Director shall issue, in writing, findings of facts and an order that actions be initiated to abate the violation within fifteen (15) days.

4658. Notice of Determination to Owner.

The Director shall cause the finding of facts and an order to be served on the owner of the property by certified registered mail or by mailing a copy of the findings of facts and order to counsel, if any, by certified or registered mail.

4659. RESERVED

4660. Certification of Costs.

On the completion of the destruction of the vegetation by the Health Officer or his representatives, the [Health Officer] Director shall certify the total costs to the [Department] Director of [Revenue] Collection.

4661. Special Tax Assessment, Weed Control.

The Director [or Revenue] of Collection shall, after approving the report of the Health Officer, assess in the name of the owner, the costs of destruction as a special tax against each lot or parcel of ground.

4662. Evidence.

The special tax bills and any action on those special bills shall be prima facie evidence of regularity of the proceedings for the special assessment, the validity of the bill, the doing of the work, furnishing the

materials for which the owner is charged, and the liability of the property to the charge stated in the bill, including the costs of bringing the action as a part of the cost of cutting and removing the vegetation.

4663. Inspection Charge.

Each special tax bill shall include a charge of ten dollars (\$10) for inspecting the property and giving the notice required [Section 4640.00 through 4643.00] this chapter.

4664. Tax Bill Charge.

Each special tax bill shall include an additional charge of five dollars (\$5) for issuing and recording the tax bill.

4665. Collection.

All special tax bills issued for cutting and removing Rank Weeds, Thickets, or Noxious Plants shall be collectable by suit brought by the County Counselor in the name of the county.

4666. Interest.

Tax bills not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance #3881 introduced on March 19, 2007 was duly passed on April 2, 2007, by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #3881.

Date

Michael D. Sanders, County Executive