

**City of Burlington Junction, Missouri  
Tall Grass and Weed Ordinance**

An ordinance to secure the public health, safety, and welfare of the residents and property owners, by control and regulation of the height of grass and weeds in subdivided lands and upon lands along improved streets within the city; to provide penalties for the violation thereof.

**THE CITY OF BURLINGTON JUNCTION, NODAWAY COUNTY, MISSOURI ORDAINS:**

**SECTION 1. Title and Applicable Seasons.**

This ordinance shall be known and cited as the Burlington Junction Tall Grass and Weed Ordinance, and shall be applicable and in full force and effect annually.

**SECTION 2. Purpose.**

The City hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this ordinance is to secure the public health, safety, and general welfare of the residents and property owners of the City of Burlington Junction by regulating the height of grass and weeds are allowed to grow in certain areas of the city.

**SECTION 3. Definitions.**

- A. Grass: Any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats, or barley.
- B. Weeds: Any plant, including grass over ten (10) inches in height, other than that part of a flower or vegetable garden, is regarded as a common nuisance.
- C. Owner: Any person holding an ownership interest in land in the City of Burlington Junction upon which there is tall grass or weeds growing. For the purposes of this Ordinance, the name and address listed on the County tax assessment roll shall indicate ownership interest in such land.
- D. Occupant: Any person who has the right to occupy a parcel of property due to being an owner or pursuant to a verbal or written lease or rental agreement with the owner or agent thereof.
- E. Land Used for Agriculture: The use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income. Lots or parcels of land within platted city blocks that are bound on all sides by improved, maintained streets may not be designated as "Land Used for Agriculture".
- F. Road Verge: A grass edging such as that by the side of a road, path, or sidewalks.

**SECTION 4. Land Subject to Regulations**

- A. This ordinance applies to the following:
  - a. Lots in a platted subdivision.
  - b. On parcels of land along improved streets in common usage within the City.

- B. Section 5 of this ordinance does not apply to:
- a. Land used for agricultural purposes, as defined herein.
  - b. Portions of lots used for flower gardens, shrubbery, or vegetable gardens.
  - c. Naturally wooded areas, including wetlands or meadows.

#### **SECTION 5. Duty to Cut Grass**

The owner and/or occupants of land to which this ordinance applies shall not allow tall grass or weeds to grow over ten (10) inches in height, including grass and weeds in the right-of-way, and it shall be the duty of all owners and/or occupants of land located in the City either to cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this ordinance, which are growing upon said property.

#### **SECTION 6. Duty to Maintain Road Verge**

Grass and weeds on road verges along improved, maintained streets shall not be allowed to grow over ten (10) inches in height, regardless of land use or designation.

#### **SECTION 7. Unlawful Acts**

It shall be unlawful for the owner and/or occupant of any lot or parcel of land to which this ordinance applies to allow or maintain upon any portion of such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Growth of grass to a length greater than ten (10) inches shall be considered to be a nuisance for the purposes of this section.

#### **SECTION 8. Enforcement**

- A. **Enforcement Officer.** This Ordinance shall be enforced by such persons who shall be so designated by the Board of Aldermen, who shall for the purposes of this ordinance be City of Burlington Junction Enforcement Officers (OEO).
- B. **Right of Entry.** The OEO and his or her authorized representatives are hereby empowered to enter upon any premises or land in the City for the purpose of inspecting, removing of and/or destroying of tall grass and weeds prohibited under this ordinance. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this ordinance.
- C. **Violation Notice.** After inspection, if any property is determined to be in violation of this ordinance, a violation notice will be sent to the property owner and/or occupant of said premises in which the name appears in the last local assessment record of the County. The notice shall give the property owner ten (10) days from the date of the notice to cut the tall grass and weeds. Failure to do so shall result in a violation of this Ordinance. In addition, only one notice need be sent to each owner/occupant to satisfy the notice requirement contained herein.
- D. **Failure to Comply.** If the tall grass and weeds are not cut within ten (10) days, the OEO shall have the option and shall have the authority to enter upon the land and/or to cause the lawn to be mowed by an authorized representative who is hereby empowered to enter upon any premises or land in the City for the purpose of mowing tall grass and weeds in violation of this ordinance even if the property owner and/or occupant failed to receive said notice. The City, its agents, and representatives shall not be responsible for damage to buildings, vehicles, landscaping, trees, shrubs, etc. during the mowing of property in violation of this ordinance.

- E. Assessment of Costs. All expenses of such cutting, to include equipment usage, transportation, man-hours involved, and overhead, including any and all cost incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Ordinance shall be paid for by the owners of such land plus an administrative charge of fifteen (15) percent, thereof per residential parcel, per cutting. After having a lot mowed, the City shall submit a bill to the property owner for the cost of the mowing. If the property owner does not pay the bill within thirty (30) days of the date of invoice, the cost of such payment shall be charged against the premises and it shall become a tax lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, plus an additional delinquency fee of ten (10) percent per month until paid.

#### **SECTION 9. Penalties**

- A. Any violation of this Ordinance shall follow the punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or a jail sentence up to Ninety (90) days of both fine and jail.
- B. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions and punishments.
- C. If there is any evidence of retaliation by any offender against any complainant or witness, such evidence shall be communicated to the Prosecuting Attorney. In sentencing any violator, the Circuit Court shall first examine the evidence of retaliation, and if such be shown, shall consider acts, including the amount of property damage, and sentence the violator accordingly, which sentence may include restitution for any damages.

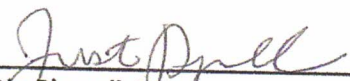
#### **SECTION 10. Severability**

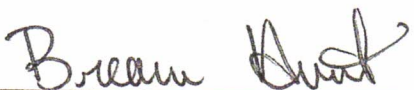
The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

#### **SECTION 11. Effective Date**

This Ordinance shall be published as required by law and shall take effect immediately after its enactment and publication. Upon approval and passage, Ordinance 565 will take the place of Ordinance 563. Therefore, Ordinance 563 is hereby repealed.

Read twice, passed, and adopted by the Board of Aldermen of the City of Burlington Junction, Missouri, held on July 8, 2015.

  
Justin Plymell, Mayor

  
Breann Hunt, Clerk

