

## CHAPTER 46

### WEED CONTROL

#### SCOPE

##### 4600. Scope.

The provisions of this chapter shall apply to any property for which a subdivision plat has been recorded in accordance with law in the unincorporated area of Jackson County. (Ord. 3881, Eff. 04/03/07)

4601. - 4609. RESERVED

#### DEFINITIONS

##### 4610. Definitions.

The following terms as used in this chapter have the following meanings. (Ord.3881, Eff. 04/03/07)

##### 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.

The 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.

Poison ivy, poison oak, or poison sumac at any height or state of maturity.

##### 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.

- 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, 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: curled dock, sour dock (*rumex crispus*); lambsquarter (*chenopodium album*); common ragweed (*ambrosia artemisiifolia*); giant ragweed (*ambrosia trifida*), kinghead (*ambrosia trifida*); giant fox tail (*setaria faberi*); Johnson grass (*sorghum halepense*); hemp (*cannabis sativa*); stinging nettle, nettle (*urtica procera*); smooth dock (*rumex altissimus*); mullein (*verbascum thapsus*); gray goldenrod, field goldenrod (*solidago nemoralis*); pokeweed (*phytolacca Americana*), polkberry (*phytolacca Americana*); wild onion (*allium canadense*); field peppergrass and 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 laevis*); burdock (*arctium minus*); sticktight (*bidens laevis*); perennial ragweed (*ambrosia psilotachya*); whitetop (*erigeron strigosus*); prickley lettuce (*lactuca serriola*); yellow goat's beard (*tragopogon 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.

Dense growth of wild shrubbery, having stems or trunks less than one inch (1") in diameter, or briar patches. (Ord. 3881, 04/03/07)

4611. - 4619. RESERVED

PUBLIC NUISANCE

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 in the unincorporated area

of Jackson County are hereby declared a public nuisance. (Ord. 3881, 04/03/07)

4621. – 4629. RESERVED

## DUTIES OF OWNER

### 4630. Duties of Owner or Occupant.

The duties of this chapter shall apply to every owner, occupant, or person in control of any property described in section 4600. (Ord. 3881, Eff. 04/03/07)

### 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, and Noxious Plants on that property. (Ord. 3881, Eff. 04/03/07)

4632. - 4639. RESERVED

## DUTIES OF HEALTH OFFICER

### 4640. Notice to Owner.

When the Health Officer determines that Rank Weeds, Thickets, 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 property that this vegetation is growing on that property. (Ord. 3881, Eff. 04/03/07)

### 4641. Contents of Notice.

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

#### 4641.1 Presence.

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

#### 4641.2 Destruction.

The notice shall advise that the Rank Weeds, Thickets, or Noxious Plants growing on that property must be cut, destroyed, or removed.

#### 4641.3 Time to Comply.

The Rank Weeds, Thickets, or Noxious Plants shall be cut, removed, or destroyed

within fifteen (15) days after the notice is served. (Ord. 3881, Eff. 04.03.07)

4642. Service of Notice.

Notice to the owner or other person in control of the 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, or Noxious Plants are found.

4642.3 Certified or Registered Mail.

Notice may be served by 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. (Ord. 3881, Eff. 04/03/07)

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, or Noxious Plants are found.

4643.2 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 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. (Ord. 3881, Eff. 04/03/07)

4644. - 4649. RESERVED

FAILURE TO COMPLY

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.

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 vegetation.

4650.4 Contract With Private Firms.

The Health Officer may contract with a private firm to destroy the vegetation after the letting of a contract by the Director of Finance and Purchasing. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

4652. Separate Offense.

Each day of violation shall constitute a separate offense as to each separate lot or tract of ground owned or controlled by the owner, occupant, or agent. (Ord. 3881, 04/03/07)

HEARING

4653. Hearing.

The owner of the property on which Rank Weeds, Thickets, or Noxious Plants are determined to exist, may request a 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. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

4655. Property Owner Rights at Hearing.

At the hearing before the Director, the alleged owner of the property in question shall 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. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

4659. RESERVED

RECOVERY OF COSTS

4660. Certification of Costs.

On the completion of the destruction of the vegetation by the Health Officer or his representatives, the Director shall certify the total costs to the Director of Collection. (Ord. 3881, Eff. 04/03/07)

4661. Special Tax Assessment, Weed Control.

The Director 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. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

4663. Inspection Charge.

Each special tax bill shall include a charge of ten dollars (\$10) for inspecting the property and giving the notice required this chapter. (Ord. 3881, Eff. 04/03/07)

4664. Tax Bill Charge.

Each special tax bill shall include an additional charge of five dollars (\$5) for issuing and recording the tax bill. (Ord. 3881, Eff. 04/03/07)

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. (Ord. 3881, Eff. 04/03/07)

4666. Interest.

Tax bills not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum. (Ord. 3881, Eff. 04/03/07)

4667. - 4670. RESERVED