INTRODUCED BY: L. Michael Glickert

DATE: March 10, 2014

BILL NO. XXXX

ORDINANCE NO.: XXXX

AN ORDINANCE AMENDING CHAPTER 8.40 OF THE UNIVERSITY CITY MUNICIPAL CODE, RELATING TO WEEDS, BY REPEALING SECTION 8.40.010 THEREOF , RELATING TO WEEDS PROHIBITED, AND ENACTING IN LIEU THEREOF A NEW SECTION TO BE KNOWN AS "SECTION 8.40.010 NATIVE PLANTS ENCOURAGED AND NOXIOUS WEEDS PROHIBITED," THEREBY AMENDING SAID SECTION SO AS TO RAISE THE PROHIBITED HEIGHT FROM SEVEN INCHES TO TEN INCHES AND TO EXEMPT NATIVE PLANTS FROM THE HEIGHT RESTRICTION ON WEEDS; CONTAINING A SAVINGS CLAUSE AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY CITY, MISSOURI, AS FOLLOWS:

Section 1. Chapter 8.40 of the University City Municipal Code, relating to weeds, is hereby amended by repealing Section 8.40.010 thereof, relating to weeds prohibited, and enacting in lieu thereof a new section to be known as "Section 8.40.010 Native plants encouraged and noxious weeds prohibited," so that said section, as so amended, shall exempt native plants from the height restriction on weeds, and read as follows:

**Section 8.40.010 Weeds prohibited.**
All noxious weeds and overgrown turf grasses are declared a public nuisance. It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of such owner, lessee or occupant of any lot, ground or premises or any or any part thereof to allow or maintain a growth of any weeds or turf grasses to a height of twelve (12) inches or more upon any lot, land, or premises in the city or upon the street or upon the right-of-way adjoining such premises or upon any adjoining sidewalk, including unimproved parcels of land.

Weeds shall be defined as all turf grasses, annual plants, and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens, including but not limited to native plantings used for aesthetic and/or wildlife promotion, to attract and aid wildlife, and/or to offset and control any soil loss problems either occurring or predicted. It shall be the duty of any person owning, leasing, occupying, or controlling any plot of ground in the jurisdiction to prevent the growth of noxious weeds. The plant species defined as noxious weeds are in accordance with Missouri law (Chapter 263 Insect Pests and Weeds, Section *263.190,* August 28, 2012): Canada thistle (*Cirsium arvense L. Scop.*), Musk thistle (*Carduus nutans L.*), Scotch thistle (*Onopordum acanthium L.*), Common teasel (*Dipsacus fullonum L.*), Cutleaf teasel *(Dipsacus laciniatus L.)*, Field bindweed (*Convolvulus arvensis L.*), Kudzu (*Pueraria montana [Lour.] Merr.*), Johnson grass (*Sorghum halepense L.*), Marijuana (*Cannabis sativa L.)*, Multiflora rose (*Rosa multiflora Thunb. ex Murr.*), Purple loosestrife (*Lythrum salicaria L.* and any hybrids thereof), and Spotted knapweed (*Centaurea stoebe L.,* including all subspecies).

Turf grass is defined as grass commonly used in regularly cut lawns or play areas, such as, but not limited to bluegrass, fescue, and ryegrass blends.

No vegetation is permitted that creates a clear and present hazard to public health or safety, or threatens agricultural economy. Vegetation should not obstruct sight distance for pedestrian, bicycle, or vehicular traffic. Native plants are exempt from height restrictions in all parks or private property, if they do not obstruct sight distance.

 Section 2. This ordinance shall not be construed so as to relieve any person, firm or corporation from any penalty heretofore incurred by the violation of Chapter 8.40, Section 8.40.010, nor bar the prosecution for any such violation.

Section 3. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalty provided in Chapter 1.12, Section 1.12.010 of the University City Municipal Code.

Section 4. This ordinance shall take effect and be in force from and after its passage as provided by law.