**Chapter 8.40 - WEEDS**

**8.40.010 – Native plants encouraged and noxious weeds prohibited.**

A. A variety of landscapes adds diversity and richness to the quality of life in University City. There are, nonetheless, reasonable expectations regarding the city's landscapes that, if not met, may decrease the value of nearby properties, degrade the natural environment, or threaten the public health and safety. It is therefore in the public interest and within the purview of this legislation to provide standards for the development and maintenance of the city's landscapes, whether corporate, private, or public.

B. The city recognizes the landowners' interest in having managed turf grass landscapes. At the same time, the city encourages the preservation, restoration, and management of native plant communities and wildlife habitats within the city limits. The city recognizes that the use of wildflowers and other native plants in managed landscapes is economical, reduces maintenance, and effectively conserves water, soil, and other elements of the natural community. Moreover, the preservation, restoration, and management of native plant communities and wildlife habitats may preclude the introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment.

C. The city further acknowledges the need to enjoy and benefit from the variety, beauty, and practical values of natural landscapes and seeks to guarantee landowners the freedom to employ varying degrees of natural landscaping as viable and desirable alternatives to other conventional modes of landscaping.

D. The city seeks to encourage each landowner to create and sustain a condition of ecological stability on his/her land, that is, a state of good health and vigor, as opposed to one of impairment and decline. It is not the intent of this legislation to allow vegetated areas to be unmanaged or overgrown in ways that may adversely affect human health or safety or pose a threat to authorized agricultural activity. It is the express intent of this city that it shall be lawful to grow native plants, including, but not limited to, ferns, grasses, forbs, aquatic plants, trees, shrubs, and vines in a landscape when these plants were obtained not in violation of local, Missouri, or federal laws.

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 part thereof to allow or maintain a growth of noxious 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 upon which a maximum growth of weeds or grasses shall be not more than twelve (12) inches in height.

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).

Weeds shall not include cultivated flowers, gardens, and native plantings used for aesthetic enhancement, to improve the natural environment of Missouri, and/or to offset and control any soil loss problems either occurring or predicted including bank stabilization on a creek system.

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. (Prior Ord. 6621 § 1, 2006 or the new amending ordinance)

**8.40.020 – Destruction of weeds -- Duty of property owner, occupant, etc.**

Every owner, lessee or occupant or the representative thereof shall cause the lot, land, or premises to be kept free from such noxious weeds and overgrown turf grass by completely killing them, or effectually preventing such plants from maturing to the bloom or flower stage. Destroying them means the damage, removal, burning, or cutting of vegetation, or any other method approved by the city engineer. All offending weed and grass cuttings shall be removed in such a manner: 1) as not to create a nuisance and 2) to be selective so as not to harm vegetation that is compliant with the law. (Prior code § 14-33)

**8.40.030 - Abatement of prohibited vegetation -- Special tax bill constitutes lien.**

A. Whenever noxious weeds or overgrown turf grass, in violation of Sections 8.40.020 or 8.40.030 of this chapter, are allowed on any part of any lot or ground within the city, the owner of the ground, or in case of joint tenancy, tenancy by the entireties or tenancy in common, each owner thereof shall be liable. The city manager or his or her designee shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or his or her or their agents, or by posting such notice on the premises; thereupon the city manager or designee may declare such vegetation to be a nuisance and order the same to be abated within five days; and in case the vegetation is not destroyed, cut, or removed within the five days, the city manager or designee may have the vegetation destroyed, cut, or removed, and shall certify the costs of the same to the city clerk.

The city clerk shall cause a special tax bill therefore against the property to be prepared and to be collected by the director of finance, with other taxes assessed against the property; and 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 mere clerical error or 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 director of finance on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at a rate of eight percent per annum.

B. Notwithstanding the time limitations of this section, the city manager or designee may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the offending vegetation shall be abated within five business days after the hearing and if such vegetation is not abated within five business days after the hearing, the order may allow the city to immediately to abate the nuisance vegetation pursuant to this section.

C. If offending vegetation is allowed to grow on the same property in violation of this chapter more than once during the same growing season, the city manager or his or her designee may order that the vegetation be abated within five business days after notice is sent to or posted on the property. In case the vegetation is not abated within the five days, the city manager or his or her designee may have it abated and the cost of the same shall be billed in the manner described in subsection A of this section.

D. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the Missouri Department of Transportation, the Missouri Department of Natural Resources or the Missouri Department of Conservation, the provisions of Chapter 8.24 shall also be available for violations of Section 8.40.020 or 8.40.030 of this chapter. (Ord. 6669 § 1, 2006)

E. Whenever and to the greatest extent possible, the city shall be selective in abating by destroying, cutting, or removing the offending vegetation in such a manner so as not to harm vegetation that is compliant with the law.

**8.40.040 – Depositing vegetation on streets or along creeks -- Misdemeanor.**

No person whether owner, lessee, occupant or contractor shall allow or permit debris of any kind, including, but not limited to, noxious weeds and overgrown turf grass, to be placed, left, mechanically blown, swept, fall, or thrown onto any street, gutter, curb, road, lane, cul-de-sac, highway, alley, open creek, stream, watercourse, public place, common ground, or right-of-way within the city limits. When complying with Chapter 8.4 in cutting, mowing, trimming of noxious weeds and overgrown turf grass, any such person shall promptly dispose of debris by removal or in such a manner as to not create a nuisance. (R.O. 2008 §14-49; Ord. No. 2047 §1, 1-24-00)