

**CITY OF WARRENSBURG**  
**COMMUNITY DEVELOPMENT**

March 30, 2021

Honorable Mayor and  
Members of the City Council  
City of Warrensburg, Missouri

Dear Mayor and Council Members:

**SUBJECT:** Second Reading of An Ordinance Amending Chapter 25 of the Code of City Ordinances of the City of Warrensburg, Missouri, Regarding Vegetation

**BACKGROUND:**

Staff has drafted the attached ordinance to address a couple vegetation nuisance situations. The current vegetation ordinance is primarily focused on defining grass taller than 12" inches as a nuisance. It also discusses poisonous and harmful weeds. The proposed ordinance restates the existing Section 25-17 Maintenance of Nuisance Prohibited and includes new language to address overgrown areas and instances where limbs or branches overhang sidewalks or rights-of-way. While there are other portions of the City ordinances that address the second item, it is useful to staff to also have it in the vegetation nuisance section. A redline copy of the ordinance is attached that shows the new language in **red text** and deleted language in **red-strikethrough** text. A clean copy of the proposed ordinance is also included that shows the final language as it would appear in the code book if the ordinance is approved.

**ISSUE:** To consider an ordinance updating the types of nuisances in the City's vegetation ordinance.

**STRATEGIC PLAN:**

The ordinance is consistent with Strategy 4 under Focus II "Identify and promote projects that enhance quality of life in Warrensburg".

**FISCAL IMPACT:**

N/A

**ECONOMIC BENEFITS/IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the ordinance.

Sincerely,



Barbara Carroll  
Director of Community Development

Attachments: 1. Proposed ordinance  
2. Redline version of the proposed ordinance

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI, REGARDING VEGETATION**

**WHEREAS**, the City wishes to promote the health and safety of its citizens and neighborhoods; and

**WHEREAS**, the presence of high weeds, brush and profusely growing vegetation can constitute a fire hazard, furnish cover for prowlers and illegal activities, harbor and provide breeding places for rodents, disease carrying insects, poisonous snake and other vermin,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARRENSBURG AS FOLLOWS:**

Section 1. That Section 25-17, Maintenance of nuisance prohibited is hereby deleted and replaced to read as follows:

**Sec. 25-17 Maintenance of Nuisance Prohibited**

- (a) It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any lot or land or any part thereof in the city, to permit or maintain on any such lot or land or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb
- 1) Any growth of weeds, grass or poisonous or harmful vegetation to a greater height than twelve (12) inches on the average,
  - 2) Any accumulation of dead weeds, grass or brush,
  - 3) Any thickets or rank vegetation growing in an uncontrolled manner,
  - 4) Trees, limbs, or branches, alive or dead, which overhang any public sidewalk, street, or right-of-way that impede or interfere with the use of said sidewalk, street, or right-of-way by a pedestrian, or the operator of any motor vehicle, or shall endanger the safety of any person or the operator of any motor vehicle traveling upon any public sidewalk, street, or right-of-way.
- (b) It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhang or border any public place, right-of-way or adjacent property or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public places, rights-of-way or adjacent properties.
- (c) Exceptions. Managed landscapes of native and/or ornamental plants and vegetable gardens exceeding 12 inches in height are permitted provided they are

maintained free of nuisance plants, noxious weeds, and non-native invasive plants.

Section 2. That Section 25-20 is hereby established as follows:

Sec. 25-20 Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Managed landscape.* A planned and designed yard or landscape that controls, directs, and maintains the growth of vegetation including, but not limited to, ornamental flower gardens, native landscapes, and rain gardens.

*Rank vegetation.* Profusely growing vegetation which may emit offensive odors or substances, or which might serve as a harborage for pests or vermin.

*Thicket.* Any dense growth of wild or cultivated shrubbery which may conceal refuse, may harbor pests or vermin, or which has not had any commonly recognized vegetation management or maintenance practices applied, and which has a blighting effect on surrounding properties.

Section 3. If any clause, section, or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Section 4. It is intended that Sections 1 and 2 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 5. That this ordinance shall become effective immediately upon its passage.

Read two (2) times and passed by title this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Bryan Jacobs, Mayor

ATTEST:

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City Clerk

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City Clerk