AGENDA ITEM

TO: Mayor and City Council

FROM: Clyde Han, Building Inspector *** *Second reading*

DATE: Thursday, July 22, 2010

RE: **Sec. 8-177. Nuisance declared; exceptions. (Weed height)**

Background

On March 2, 2009 council approved ordinance # 5482 changing the grass / weed height from 7 to 9 inches in the Property Maintenance code (copied here).

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 9 inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Ord 5482 3/02/2009

Activity

In reviewing our "Hay Permit" requirements for the upcoming season, it was discovered the "vegetation" height is 7 inches (copied here).

Sec. 8-177. Nuisance declared; exceptions.

Rank weeds and noxious plants which are allowed to stand at any season of the year upon any lot, tract, parcel of land or unpaved alley or along the sidewalk, paved alley, or right-of-way adjacent to such lot, tract or parcel of land are hereby declared to be a menace to public health and constitute a nuisance. This division shall not apply to land zoned or used for agricultural use and a hay permit issued. Hay permits may be issued by the office of code enforcement to owner/occupants under the following conditions:

(1) Vegetation will be cut twice per season. First cutting shall be prior to June 30.

(2) Failure to cut and bale said vegetation will be grounds for the permit to be revoked.

(3) Owner will maintain vegetation twenty-five (25) feet from the street and alley right of way and adjacent properties not to exceed seven (7) inches in height.

(4) The city code enforcement officer will determine the size and feasibility of the parcel for permitting.

(Ord. No. 3531, § 2, 5-21-85; Ord. No. 4087, § 2, 7-21-92; Ord. No. 5289, § 1, 5-2-06)

Secs. 8-178--8-184. Reserved.

Editor's note: Ord. No. 5440, § 2, adopted July 7, 2008, repealed §§ 8-178--8-184, which pertained to abatement of nuisance weeds and noxious plants and derived from Ord. No. 3531, § 2, adopted May 21, 1985; and Ord. No. 4087, § 4, adopted

Staff recommends to council; adjust the "vegetation" height from 7 to 9 inches in section 8-177 so we may be consistent in our ordinances.

Action

1. Repeal sec. 8-177 (3). Owner will maintain vegetation twenty-five (25) feet from the street and alley right of way and adjacent properties not to exceed seven (7) inches in height.
2. Adopt sec. 8-177 (3). Owner will maintain vegetation twenty-five (25) feet from the street and alley right of way and adjacent properties not to exceed nine (9) inches in height.

Bill 2010-51

AN ORDINANCE REPEALING AND REPLACING SECTION 8-177. NUISANCE DECLARED; EXCEPTIONS. OF ARTICLE III, NUISANCE, OF CHAPTER 8, OFFENCES – MISCELLANEOUS; OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI CODE (HAY PERMIT)

WHEREAS, the City adopted On March 2, 2009 Ordinance 5482 changing the grass / weed height from 7 to 9 inches in the Property Maintenance code; and

WHEREAS, in reviewing our "Hay Permit" requirements for the upcoming season, it was discovered the "vegetation" height is 7 inches; and

WHEREAS, the City of Cameron desires to be consistent in our Ordinances to promote the health, safety and general welfare of the residents of the community; and

WHEREAS, the Cameron Staff requests Council adjust the "vegetation" height from 7 to 9 inches and recommends passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cameron, Clinton and DeKalb Counties, Missouri, as follows:

Section 1. Repeal section 8-177 (3). Owner will maintain vegetation twenty-five (25) feet from the street and alley right of way and adjacent properties not to exceed seven (7) inches in height. Article III, Nuisance, of Chapter 8, Offences – Miscellaneous, of the City of Cameron, Clinton and DeKalb Counties, Missouri Code.

Section 2. Enact a new Section 8-177 (3) as follows:
Owner will maintain vegetation twenty-five (25) feet from the street and alley right of way and adjacent properties not to exceed nine (9) inches in height.

Passed and approved on first reading this 20th day of September 2010.
Passed and approved on second reading this 4th day of October 2010.
Passed and approved on third and final reading this _____day of _____2010.

_____
Mayor, Dennis M. Clark

ATTEST:

_____
City Clerk