

BILL NO. 21-168

AN ORDINANCE CLARIFYING MOWING STANDARDS BY AMENDING CHAPTER 16, LEE'S SUMMIT PROPERTY MAINTENANCE CODE OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, the previously adopted property maintenance code had exceptions for standards associated with mowing and weeds related to agricultural properties; and,

WHEREAS, based on staff reports and public comment, the City Council desires to protect the public health, safety, and welfare by amending Chapter 16 pertaining to the same subject matter; and,

WHEREAS, The City of Lee's Summit pursuant to the Lee's Summit City Charter, the Missouri State Constitution, and the City's police powers has the authority to regulate for the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Chapter 16, Lee's Summit Property Maintenance Code, of the Code of Ordinances of the City of Lee's Summit, Missouri, is hereby amended with the following changes which are shown in red text (added) format:

ARTICLE II. - GENERAL REQUIREMENTS

Sec. 16-203. - - International Property Maintenance Code amended; Section 302.4 Weeds.

Section 302.4 shall be amended as follows: *Weeds*. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10". 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.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

This section shall not apply to:

- A. Vegetation cultivated for agricultural purposes which is more than ten (10) feet distant from a non-agriculturally zoned district; or
- B. Undeveloped tracts of land zoned other than for agricultural uses if such tract is one (1) contiguous tract, not intersected by any public roadway and is greater than ten (10) acres, provided that all areas within fifty (50) feet from the edge of pavement of a public roadway(s), or within fifty (50) feet of the property line(s) adjacent to any property being used for residential or

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commercial purposes shall be maintained free from weeds or plant growth in excess of ten (10) inches.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances for the City of Lee's Summit, Missouri, and shall be codified in Chapter 16 with such changes to the International Property Maintenance Code as set forth above.

SECTION 3. This ordinance shall be in full force and effect on and after the date of its passage and adoption, and approval by the Mayor.

SECTION 4. That if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this ____ day of _____, 2021.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*