

**IV.F.**

July 18, 2007

Fax to: Mr. Michael Herring, City Administrator  
Ms. Libbey Simpson, Assistant City Administrator

537-4798

RE: Our City's "Weed Ordinance"

From: Citizens Committee for the Environment by Darcy S. Capstick

*DM*

Attached is a CCE unanimously-recommended improvement to our City's "Weed Ordinance" for your consideration. This resulted from a 3-man committee meeting in between our regular committee meetings. This net result came forward our last meeting, 6/28.

Our recommendation stems from what Creve Coeur has recently done; but their organization is different from ours. Because this is "new," CCE sends it to you. CCE believes this improvement will help our city. Should you have questions, please advise. Thank you for your help. For CCE, dsc.

(Attachment consists of 8 pages besides this one cover sheet.)

### CCE Respectfully Requests Review of Chesterfield's Weed Ordinance

After reading that Creve Coeur had modified its weed ordinance to allow for native plantings and restrict invasive plants, we looked at Chesterfield's Ordinance no. 385 Sections 3 and 4 which refer to weeds.

Section 3 (f) identifies as a public nuisance: all russian, canadian or common thistle, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, ironweed, poisonous plants or shrubs and all other noxious weeds, grass and vegetation which have attained a height of twelve (12) inches or more....

We suggest replacing this nuisance description with the Invasive Plant list that was compiled for Creve Coeur with information from the Missouri Department of Conservation and the Missouri Botanical Garden. The plants listed as invasive would be considered weeds if left uncontained and uncontrolled on private property.

We also suggest modifying Chesterfield's ordinance, as Creve Coeur did, to allow and encourage the inclusion of native plantings, some of which may exceed twelve inches.

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**FOR IMMEDIATE RELEASE**

April 24, 2007

Contacts: Fran Cantor  
REB Committee Chair

(314) 567-1387

**Creve Coeur First in St. Louis Area to Modify Weed Ordinances**  
**Promoting Environmentally-Friendly Planting Methods**

CREVE COEUR – After a year-long review by the Creve Coeur Recycling, Environment, and Beautification (REB) Committee, the city's landscaping and weed ordinances are considered the first environmentally-friendly ordinances in the St. Louis area.

"Our goal was to modify city policy to encourage development, beauty, and individual creativity while promoting the long-term environmental health of the community," said Fran Cantor, chair of the REB Committee. She added, "It took us a year to develop these changes because we were creating something new. We hope other cities will use us as a model."

Perry Eckhardt, community conservationist with the Missouri Department of Conservation added, "The steps that Creve Coeur is taking illustrate an incredibly progressive mindset that help to ensure that natural spaces are an integral part of the urban place. Promoting the use of native plants and trees is beneficial to a city's economic interests. It has been shown that native plants and trees abate expensive stormwater problems, and they attract retail shoppers and increase property values."

On April 9, the City Council approved recommended changes to Chapter 14 (Health & Sanitation), Chapter 26.5 (Vegetation), Section 26.62 (Landscaping) of the Zoning Code, and Section 22A-30-32.2 (Trees) of the Subdivision Code, which are the city's landscaping and weed ordinances.

**Changes to Creve Coeur Ordinances include the following:**

- Adding specific text into the weed ordinance to allow for native planting and to restrict invasive plants.
- Modifying the weed ordinance to allow for ornamental grasses and native plants taller than 7 inches. (Certain exclusions exist, for example, the plants cannot obstruct sight distance and must have a five-foot set back from neighboring properties.)

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- Modifying the desirable list of street tree species to promote diversity and increase the use of native trees.
  - Allowing alternative low-impact stormwater techniques in commercial development.
  - Creating an appeals process regarding the weed ordinances.

**Background on native plants:**

Native plants have been shown to reduce maintenance and effectively conserve water, soil, and other elements of the natural community. Moreover, the preservation, restoration, and management of native plant communities reduces the need for toxic pesticides, herbicides, fertilizers, and other pollutants into the environment.

**Background on invasive plants:**

The Missouri Department of Conservation and the Missouri Botanical Garden have documented exotic plants that spread aggressively in Missouri and are a threat to the Missouri native ecosystem. Invasive plants are considered weeds when left uncontained and uncontrolled on private property.

**Background on street tree species:**

A street tree survey was conducted in November 2004. The survey found that three species – green ash, pin oak, and sweetgum – make up 50% of the total tree population. Diversity is a sign of a healthy urban forest, and urban foresters typically recommend that one species should not compose more than 10% of a population. These trees, along with trees that are invasive in Missouri, were removed from the recommended street tree list.

The original inspiration to revise the ordinances came when Perry Eckhardt, Missouri Department of Conservation, spoke to the committee regarding native plants. Information was also gathered from Wild Ones, Dave Tylka with St. Louis Community College, and city staff from the Public Works, Planning, and Building Departments.

January 2007  
Creve Coeur Invasive Plant List

The Missouri Department of Conservation and the Missouri Botanical Garden have documented exotic plants that spread aggressively in Missouri and are a threat to the Missouri native ecosystem. This list is updated periodically as more information is available from reliable botanical sources. The following plants will not be approved for new plantings and will be considered weeds when left uncontained and uncontrolled on private property.

Category	Scientific Name	Common Name
forb	<i>Alliaria petiolata</i>	Garlic Mustard
forb	<i>Carduus nutans</i>	Musk Thistle
forb	<i>Centaurea stoebe</i>	Spotted knapweed
forb	<i>Dipsacus fullonum</i>	Common Teasel, Fuller's Teasel
forb	<i>Dipsacus laciniatus</i>	Cut-leaved Teasel
forb	<i>Lythrum salicaria</i>	Purple Loosestrife
forb	<i>Melilotus alba</i>	White sweet clover
forb	<i>Melilotus officinalis</i>	Yellow sweet clover
grass	<i>Bothriochloa bladhii</i>	Eurasian bluestem
grass	<i>Bromus sterilis</i>	Bromegrass
grass	<i>Bromus tectorum</i>	Thatch bromegrass
grass	<i>Elymus arenarius glauca</i>	Blue Lyme grass
grass	<i>Festuca arundinacea</i>	Tall fescue
grass	<i>Festuca pratensis</i>	Meadow fescue
grass	<i>Phalaris arundinacea</i>	Ribbon Grass
grass	<i>Securigera varia</i>	Crown vetch
grass	<i>Sorghum halepense</i>	Johnson grass
shrub	<i>Elaeagnus umbellata</i>	Autumn Olive
shrub	<i>Euonymus alatus</i>	Burning bush, winged
shrub	<i>Lespedeza cuneata</i>	Sericea Lespedeza, Chinese Lespedeza
shrub	<i>Ligustrum sinense</i>	Chinese privet
shrub	<i>Lonicera morrowii</i>	Scrub honeysuckle, Marrow's honeysuckle
shrub	<i>Lonicera maackii</i>	Bush honeysuckle, Amur honeysuckle
shrub	<i>Rosa multiflora</i>	Multiflora Rose
tree	<i>Acer ginnala</i>	Amur maple
tree	<i>Rhamnus cathartica</i>	Common buckhorn
vine	<i>Celastrus orbiculatur</i>	Asian (Oriental) bittersweet
vine	<i>Euonymus fortunei</i>	Wintercreeper
vine	<i>Hedera helix L.</i>	English ivy
vine	<i>Lonicera japonica</i>	Japanese honeysuckle
vine	<i>Pueraria lobata, Pueraria montana</i>	Kudzu

More information: photos, sketches and additional information can be found at the following web sites:

[www.invasive.org](http://www.invasive.org) go to Weeds  
[www.mobot.org/MOBOT/research/mepp/ratings.shtml](http://www.mobot.org/MOBOT/research/mepp/ratings.shtml)  
[www.mdc.mo.gov/nathis/exotic/vegman](http://www.mdc.mo.gov/nathis/exotic/vegman)

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### What is an Invasive Plant?

An invasive plant is an introduced, "exotic," species that has the ability to thrive and spread aggressively outside its natural range. Most non-native plants that were brought to North America have not spread aggressively. Tulips, originally from Asia, are an example. They stay where we plant them and may require special attention to keep them healthy. Unlike tulips and other non-invasive plants, invasive exotic plants are characteristically adaptable, aggressive and have a high reproductive capacity. Their vigor combined with a lack of natural enemies often leads to outbreak populations, and they may become the dominant species of a landscape in just a few years.

### Why are they a problem?

It's a matter of ecology. In many cases, plants from other parts of the world are welcomed, manageable additions to our gardens. However, in some situations these non-native species cause serious ecological disturbances. In the worst cases, invasive plants like mile-a-minute, purple loosestrife, and kudzu ruthlessly choke out other plant life. By leaving no room for other plants to survive, the invasive plant changes the multi-fauna habitat and thus alters the biodiversity of that entire ecosystem.

### Where do they come from?

In some cases, invasive plants arrive purely by accident, as seed in agricultural products, or on shipments from overseas. In other cases, invasive plants are selected for their horticultural attributes. Beautiful, unusual, exceptionally hardy, drought-tolerant, or fast-growing plants are sought by gardeners the world over. Unfortunately, plants selected for their resilience may be invasive because of their adaptable nature. Plants selected for their aesthetic value may be hard to banish from your garden even after their invasive tendencies are revealed.

### Invasive Plants

- Produce large numbers of new plants each season.
- Tolerate many soil types and weather conditions.
- Spread easily and efficiently, usually by wind, water, or animals.
- Grow rapidly, allowing them to displace slower growing plants.
- Spread rampantly when they are free of the natural checks and balances found in their native range.
- Are extremely difficult to eradicate once they are well established.

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BILL NO. 382

ORDINANCE NO. 385

AN ORDINANCE REPEALING ORDINANCE NUMBER 192 IN PART AS TO OFFENSES COVERED UNDER THIS ORDINANCE RELATING TO NUISANCES AND ENFORCEMENT THEREOF.

WHEREAS, the zoning laws of the City of Chesterfield provide some control as to the use of property by zoning districts; and

WHEREAS, further legislation is necessary to supplement the zoning ordinances to provide for the protection against significant interference with the general health and safety of the public from the accumulation of garbage, rubbish, noxious vegetation, unsound structures and the like, on sites on residential, commercial, industrial, quasi-public and public land.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Definitions.

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

Lessee shall mean any person who leases all or a portion of a premises on a day to day, week to week or month to month basis.

Owner shall mean any person or persons or entity who have a vested fee simple title, an equitable interest, or a life interest in any lot or tract of land or in a particular part thereof, whether such tract or lot of land is held in common by joint owners.

Person having control shall mean any occupant, agent, servant, representative of employee of any owner, or lessee or renter of any property who exercises any control on behalf of the owner, lessee or renter.

Renter shall mean any person who rents all or a part of a premises on a day to day, week to week or month to month basis. For purposes of this chapter, a person over the age of eighteen (18) years who is living in a household with a parent but who is neither the owner, the lessee, the head of the household, or the person having control, shall be considered to be a "renter," regardless of whether they pay rent for such occupancy in money.

Section 2. Nuisance Defined. Public nuisances of the City are hereby defined and declared to be as follows:

(a) Any act done or committed or suffered to be done or committed by any person, or any substance or thing kept or maintained, placed or thrown on or upon any public or private place or premises which is injurious to the public health, safety or welfare.

(b) All pursuits followed or acts done by any person to the hurt, injury, annoyance, inconvenience or danger of the public.

Section 3. The above definitions shall include, but not by way of limitation, the following:

(a) All ponds or pools of stagnant water and all foul or dirty water or liquid when discharged through drain pipe, or spout into or upon any street, alley or thoroughfare or lot, to the injury and annoyance of the public.

(b) All privies or private vaults kept in such condition as to emit any offensive, noxious or disagreeable odor and all substances emitting an offensive, noxious, unhealthy or disagreeable effluvia in the neighborhood where they exist.

(c) All carcasses of dead animals which the owner or keeper thereof shall permit to remain within the city exceeding twelve (12) hours after death.

(d) The keeping of animals of any kind, domestic or wild, upon any public or private place or premises in such a manner or condition that same constitute a hurt, injury, annoyance, inconvenience or danger to the public or the residents of the vicinity.

(e) The causing, keeping, maintaining or permitting of trash, debris, garbage, rubbish, junk, decaying vegetable or animal matter or other obnoxious or filthy substance upon any public or private property or premises constituting a hurt, injury, annoyance, inconvenience or danger to the public, public health, safety or welfare.

(f) All russian, canadian or common thistle, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, ironweed, poisonous plants or shrubs and all other noxious weeds, grass and vegetation which have attained a height of twelve (12) inches or more, growing or being upon any property located in the City of Chesterfield to include but not limited to property of which a subdivision plot has been recorded in accordance with law and all property within one hundred (100) feet from the out-boundary of such subdivision so long as the subdivision is occupied and



improved or upon the right of way adjoining such premises as a public nuisance.

(g) All dried or decaying trees in the City including trees upon which a subdivision plat has been recorded in accordance with law and all property within one hundred (100) feet from the out-boundary of such subdivision so long as the subdivision is occupied and improved or upon the right of way adjoining such premises which have been declared dead by the building commissioner are a nuisance and a hazard to the public welfare.

(h) Any shack or other dilapidated building or unsound structure located upon any public or private place or premises in such manner or condition that same constitute or may constitute a hurt, injury, annoyance, inconvenience or danger to the public, public health, safety, welfare of the general public or the residents of the vicinity.

Section 4. Weed, Grass and Trees - Destruction and Disposal by Owner. Every owner, occupant, lessee or person in control of any property in the city described in Section 1 shall cause said property be kept free from such noxious weeds, grass and trees as defined in Section 3(e) and (f) by destroying them by spraying with a chemical compound, approved by the Director of Planning and Economic Development or his duly authorized agent, or by cutting or digging under, or any other method approved by the Director of Planning and Economic Development or his duly authorized agent. All debris of any and all kinds and varieties, including but not limited to weed cuttings, shall be removed from the property.

Section 5. No person shall create, cause, permit or maintain a nuisance, as defined by this ordinance.

Section 6. Notice to Abate.

(a) Whenever it comes to the attention of the City, or the City becomes aware of the existence of a nuisance, the City shall investigate the nuisance and have prepared a report concerning the same. If a nuisance is found to exist, a warning notice shall be left with any person occupying such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, then by posting the warning notice on the front, or side or rear entrance to the residence or building.

(b) The warning notice provided in subsection (a) shall contain:

- (1) The address or legal description of the property;
- (2) The ordinance number of the ordinance being violated;
- (3) The nature of the violation, and the date by which such violation shall be removed or abated;
- (4) A notice of the penalty for failure to remove or abate the nuisance, stating that if the nuisance reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.

(c) If the nuisance occurs on unimproved property or where the residence or building is unoccupied, the property may be posted as provided in subsection (b), and if the property is unimproved by placing the notice upon a tree or other object upon such property, as may be available.

(d) A notice in writing containing the same information as provided on the warning notice provided in subsection (b) shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail, postage prepaid.

#### Section 7.

Once a notice has been given to the head of the household, the renter, the lessee, or the person having control or the owner of a lot or tract of land in or on which a nuisance has been created or maintained, and after abatement thereof, the same nuisance recurs in or on the same lot or tract of land by the same person or persons responsible therefore, no further warning notice need be given. Thereafter such responsible person or persons may be summoned into municipal court to answer to the charges against him. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the nuisance, as set out in section 8.

Section 8. Upon neglect or failure to act upon the warning notice, the City shall issue a summons as follows:

(a) Summons, service of. If a warning notice is given as provided in section 6, and if after the time for removal or abatement has lapsed, the property is reinspected and the inspecting officer finds and determines that the nuisance has not been removed or abated, the inspecting officer shall

fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, owners, or person in charge of the property, showing the address or legal description of property on which the nuisance is located, and such other information as may be available to the inspecting officer as shown on the summons, and specifying the section of the ordinance which is being violated and setting forth in general the nature of the nuisance, and may serve the summons on the occupant, owners, or person in charge, or any or all of such persons. The summons shall contain a date on which the case will be on the municipal court docket for hearing. The city prosecuting attorney or assistant city prosecuting attorney shall sign the original copy of all such summons, and the original thereof shall be forwarded to the clerk of the municipal court for inclusion on the court's docket for the date shown on the summons.

(b) Summons, delivery by mail. If no one is found at the property to accept a summons for failure to remove or abate a nuisance, the inspecting officer shall fill out and sign the summons as the complainant as provided in subsection (a) and deliver the original and one (1) copy of the summons to the clerk of the municipal court, who shall verify or insert the date that the case has been set for hearing before the municipal court. The clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons, or at such other address as the person charged therewith may be found, or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.

(c) Abatement by city; costs assessed to person responsible. If the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a nuisance, fails to remove or abate the nuisance in the time specified in the notice, whether on public or private property, the City may remove the same and thereby abate the nuisance and, if necessary, may lawfully enter upon the property on which the nuisance remains unabated to remove or abate such nuisance at the costs of the person or persons responsible for creating or maintaining the nuisance, if the cause therefor lies with any of the persons as defined in section 6.

(d) Payment of costs; special tax bill or judgment. All costs and expenses incurred by the City in removing or abating any nuisance on any private property may be assessed against the property in the form of a special tax bill,

which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the nuisance, whether on public or private property, may be made a part of the judgment by the municipal judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a nuisance on public or private property.

(e) Warning notice, first offense. In all cases where the nuisance on public or private property is the first offense of the specified ordinance violation for the person charged therewith, the warning notice provisions of Section 6 shall be observed. The notice shall specify the number of days in which the nuisance shall be removed or abated, which time shall not be less than three (3) days nor more than ten (10) days, except in emergency cases.

(f) Warning notice, subsequent offenses. In all cases where the violation on public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in Section (e) above, the warning notice provisions of this section need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

Section 9. This ordinance shall apply to any violations cited after the date of this ordinance. All violations of the original Ordinance 192 cited prior to the date this ordinance was adopted shall be prosecuted in accordance with the provision set out in the original applicable on the date of violation.

Section 10. (a) Any person, persons, firm, association or corporation violating any provision of the zoning Ordinance or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the Zoning Ordinance may be prosecuted as provided by law for the violation of ordinances of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500) for any one offense or imprisonment in the City jail for not more than three (3) months, or both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.

(b) In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this Chapter.

Section 11. Ordinance 192 of the City of Chesterfield shall be repealed in total one (1) year after the effective date of this Ordinance and any violations after the effective date of this ordinance shall be enforced under the provisions hereof.

Section 12. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 4th day of DECEMBER, 1989.

Judith Starbuck  
MAYOR

ATTEST:

Lynne Greene  
eputy CITY CLERK