

FIRST REGULAR SESSION

SENATE BILL NO. 385

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 17, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1497S.011

AN ACT

To amend chapter 49, RSMo, by adding thereto one new section relating to county ordinances governing brush control, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 49, RSMo, is amended by adding thereto one new section, to be known as section 49.710, to read as follows:

49.710. 1. The county commission of any county without a charter form of government shall have the power to adopt ordinances requiring property owners to control brush on the county right-of-way or county maintenance easement portion of such owner's property that is adjacent to the county road, in order to keep such property accessible for purposes of maintenance and safety of the county road.

2. Before charging a person with violating an ordinance created under this section, the county commission shall notify the property owner of the ordinance requirements, return receipt requested, from a list supplied by the officer who prepares the tax list. The commission shall allow the owner thirty days from acknowledgment date of return receipt, or date of refusal of acceptance of delivery as the case may be, to control all such brush growing on property designated as the county right-of-way or county maintenance easement portion of such owner's property that is adjacent to the county road. Such property owner shall be granted an automatic thirty-day extension to control the brush due to hardship by notifying the county commission that such owner cannot comply with the requirements of this section because of such hardship within the first thirty-day period. The property owner may be granted a second thirty-day extension by a majority vote of the county commission, after which there shall be no further

22 extensions. For the purposes of this subsection, "hardship" may be
23 financial, physical, or any other condition that the county commission
24 deems to be a valid reason to allow an extension of time to comply with
25 the ordinance.

26 3. Any property owner in violation of a county ordinance created
27 under this section may be assessed and ordered to pay a civil fine of
28 not more than ten dollars for each day of the violation. If the property
29 owner is found to be in violation of the county ordinance and is
30 ordered to pay the civil fine, the county shall take action to control the
31 brush as provided for under subsection 2 of section 263.245, RSMo, not
32 more than thirty days from the date the civil fine is initially imposed.

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Bill

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