

SECOND REGULAR SESSION

SENATE BILL NO. 657

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4740S.011

AN ACT

To repeal section 263.245, RSMo, and to enact in lieu thereof one new section relating to landowner obligations to control brush growing adjacent to county roads.

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

Section A. Section 263.245, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 263.245, to read as follows:

263.245. 1. All owners of land in any county with a township form of
2 government, located north of the Missouri River and having no portion of the
3 county located east of U.S. Highway 63 and located in any county of the third
4 classification without a township form of government and with more than four
5 thousand one hundred but fewer than four thousand two hundred inhabitants, or
6 in any county of the third classification without a township form of government
7 and with more than two thousand three hundred but fewer than two thousand
8 four hundred inhabitants shall control all brush growing on such owner's property
9 that is designated as the county right-of-way or county maintenance easement
10 part of such owner's property and which is adjacent to any county road. Such
11 brush shall be cut, burned or otherwise destroyed as often as necessary in order
12 to keep such lands accessible, **from the ground to the sky**, for purposes of
13 maintenance and safety of the county road.

14 2. The county commission, either upon its own motion or upon receipt of
15 a written notice requesting the action from any residents of the county in which
16 the county road bordering the lands in question is located or upon written request
17 of any person regularly using the county road, may control such brush so as to
18 allow easy access to the land described in subsection 1 of this section, and for that
19 purpose the county commission, or its agents, servants, or employees shall have

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 authority to enter on such lands without being liable to an action of trespass
21 therefor, and shall keep an accurate account of the expenses incurred in
22 eradicating the brush, and shall verify such statement under seal of the county
23 commission, and transmit the same to the officer whose duty it is or may be to
24 extend state and county taxes on tax books or bills against real estate. Such
25 officer shall extend the aggregate expenses so charged against each tract of land
26 as a special tax, which shall then become [a lien on such lands] **due on such**
27 **landowner's real and personal property tax assessment**, and be collected
28 as state and county taxes are collected by law and paid to the county commission
29 and credited to the county control fund.

30 3. Before proceeding to control brush as provided in this section, the
31 county commission of the county in which the land is located shall notify the
32 owner of the land of the requirements of this law by certified mail, return receipt
33 requested, from a list supplied by the officer who prepares the tax list, and shall
34 allow the owner of the land thirty days from acknowledgment date of return
35 receipt, or date of refusal of acceptance of delivery as the case may be, to
36 eradicate all such brush growing on land designated as the county right-of-way
37 or county maintenance easement part of such owner's land and which is adjacent
38 to the county road. In the event that the property owner cannot be located by
39 certified mail, notice shall be placed in a newspaper of general circulation in the
40 county in which the land is located at least thirty days before the county
41 commission removes the brush pursuant to subsection 2 of this section. Such
42 property owner shall be granted an automatic thirty-day extension due to
43 hardship by notifying the county commission that such owner cannot comply with
44 the requirements of this section, due to hardship, within the first thirty-day
45 period. The property owner may be granted a second extension by a majority vote
46 of the county commission. There shall be no further extensions. For the purposes
47 of this subsection, "hardship" may be financial, physical or any other condition
48 that the county commission deems to be a valid reason to allow an extension of
49 time to comply with the requirements of this section.

50 4. County commissions shall not withhold rock, which is provided from
51 funds from the county aid road trust fund, for maintaining county roads due to
52 the abutting property owner's refusal to remove brush located on land designated
53 as the county right-of-way or county maintenance easement part of such owner's
54 land. County commissions shall use such rock on the county roads, even though
55 the brush is not removed, or county commissions may resort to the procedures in

56 this section to remove the brush.

57 **5. For purposes of implementing this section, the center of the**
58 **existing county road shall be considered the center of the county road**
59 **for purposes of determining if brush growing on a property is located**
60 **in the county right-of-way or county maintenance easement part of the**
61 **landowner's property.**

62 **6. For purposes of implementing this section, the county right-of-**
63 **way or county maintenance easement shall be deemed to extend fifteen**
64 **feet on each side from the center of the county road, or the distance set**
65 **forth in the original conveyance, whichever is greater.**

66 **7. In the event a county is required to obtain a land survey to**
67 **enforce this section, the costs of such survey shall be divided equally**
68 **between the county and the landowner.**

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