

WORTH COUNTY MISSOURI ORDINANCE NO. 2010-01
BRUSH CONTROL ORDINANCE

Whereas pursuant to Missouri Statute 263.245 seq. RSMo. and voter approval in the election on August 4, 2009 by a vote of 331 in favor and 102 against, the County of Worth has adopted enforcement of brush control adjacent to Worth County Public roads. Whereas, the County Commission of Worth County is authorized to maintain the County of Worth County Public road for public transportation and safety.

The Worth County Commission hereby adopts and desires as follows:

It is THEREFORE ordained by the County Commission of Worth County, Missouri as follows:

Article 1. All owner of said land in Worth County, Missouri shall control all brush ground on such owner's property and which is adjacent to any Worth County road. Such brush shall be cut, burned or otherwise destroyed as often as necessary in order to keep such lands accessible for purpose of maintenance and safety of the Worth County road.

Article 2. The county commission, either upon its own motion or upon receipt of a written notice requesting the action from any residents of the county in which the county road bordering the lands in question is located or upon written request of any person regularly using the county road, may control such brush so as to allow easy access to the land described in subsection 1 of this section, and for that purpose the county commission, or its agents, servants, or employees shall have authority to enter on such lands without being liable to an action of trespass therefore, and shall keep an accurate account of the expenses incurred in eradicating the brush, and shall verify such statement under seal of the county commission, and transmit the same to the officer

whose duty it is or may be to extend state and county taxes on tax books or bills against real estate. Such officer shall extend the aggregate expenses so charged against each tract of land as a special tax, which shall then become a lien on such lands, and be collected as state and county taxes are collected by law and paid to the county commission and credited to the county control fund.

Article 3. Before proceeding to control brush as provided in this section, the county commission of the county in which the land is located shall notify the owner of the land of the requirements of this law by certified mail, return receipt requested, from a list supplied by the officer who prepares the tax list, and shall allow the owner of the land thirty days from acknowledgment date of return receipt, or date of refusal of acceptance of delivery as the case may be, to eradicate all such brush growing on land designated as the county right-of-way or county maintenance easement part of such owner's land and which is adjacent to the county road. All eradication by the property owner under their ordinances shall meet the approval of the Worth County Commissioner or it's designate. In the event that the property owner cannot be located by certified mail, notice shall be placed in a newspaper of general circulation in the county in which the land is located at least thirty days before the county commission removes the brush pursuant to subsection 2 of this section. Such property owner shall be granted an automatic thirty day extension due to hardship by notifying the county commission that such owner cannot comply with the requirements of this section, due to hardship, within the first thirty-day period. The property owner may be granted a second extension by a majority vote of the county commission. There shall be no further extensions. For the purposes of this subsection, "hardship" may be financial, physical or any other condition that the county commission deems to be a valid reason to allow an extension of time to comply with the requirements of this section.

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