

Owners to control musk, Scotch, and Canada thistles--notice procedure--penalty.

263.190. 1. The plants musk thistle (*Carduus nutans* L.), Scotch thistle (*Onoprodum acanthium* L.) and Canada thistle (*Cirsium arvense*) are hereby designated as noxious weeds. All owners of land shall control all such plants growing upon their land.

2. It shall be the duty of every owner of lands in this state to control all Canada, musk, or Scotch thistles growing thereon so often in each and every year as shall be sufficient to prevent said thistles from going to seed. If any owner of such land shall knowingly allow any Canada, musk, or Scotch thistles to grow thereon, such owner shall forfeit and pay the sum of one hundred dollars to the county commission for every such offense, and such sum forfeited plus court costs may be recovered by civil action instituted by the prosecuting attorney in the name of the county commission before any associate circuit judge of the county in which the offense is committed. All sums recovered by virtue of this section shall be paid to the use of the county control fund.

3. Before initiating any civil action under this section, the prosecuting attorney of the county in which the land, or the greater part thereof, 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 fifteen days from acknowledgment date of return receipt, or date of refusal of acceptance, as the case may be, to control all such plants growing upon his land. Failure of the owner to control such plants within the fifteen-day period shall be prima facie evidence of the owner's knowledge that he is in violation of this law, and each fifteen days the violation continues after the initial fifteen-day period shall, for the purpose of forfeiture and penalty herein, be considered a separate offense.

(RSMo 1939 § 14260, A.L. 1979 H.B. 259, A.L. 1992 H.B. 1199)
Prior revisions: 1929 § 12597; 1919 § 12118; 1909 § 742

County commission duties to control, official immunity, landowner duty of care--special tax for cost, collection--provisions applicable to certain political subdivisions.

263.200. 1. In addition to the remedies provided in section 263.190, when Canada, musk, or Scotch thistles are discovered growing on any lands in the county, it shall be the duty of the county commission to control such thistles so as to prevent the seed from ripening, 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 therefor, and shall have such official immunity as exists at common law for any misfeasance or damages occurring in connection with the attempt to control Canada, musk, or Scotch thistles. Notwithstanding any provision of law to the contrary, the county shall be liable for any misfeasance or actual damages caused by its agents, servants, or employees in connection with the attempt to control Canada, musk, or Scotch thistles. The landowner shall owe no duty of care to such persons, except that which the landowner owes to trespassers. The county commission shall keep an accurate account of the expenses incurred in controlling the thistles, 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; and 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 the 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.

2. Before proceeding to control Canada, musk, or Scotch thistles as provided in this section, the county commission of the county in which the land, or the greater part thereof, 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 fifteen days from acknowledgment date of return receipt, or date of refusal of acceptance of delivery, as the case may be, to control all such plants growing upon his land.

3. Any land or properties that are owned solely by a political subdivision in a city not within a county shall be subject to all provisions of sections 263.190, 263.200, and 263.240.

(RSMo 1939 § 14261, A.L. 1979 H.B. 259, A.L. 1992 H.B. 1199)
Prior revisions: 1929 § 12598; 1919 § 12119; 1909 § 743

Multiflora rose a noxious weed, exceptions--counties may establish programs and funds to control noxious weeds.

263.205. 1. The plant multiflora rose (*rosa multiflora*) is hereby declared to be a noxious weed; except, notwithstanding any other provision of this section, multiflora rose (*rosa multiflora*) shall not be considered a noxious weed when cultivated for or used as understock for cultivated roses.

2. The governing body of any county of this state may opt to establish a "County Noxious Weed Fund" for the purpose of making grants on a cost share basis for the control of any noxious weed, as the plant may be designated under this section.

3. Any county opting to establish a county noxious weed fund, shall establish a noxious weed control program. No resident or owner of land of any county shall be required to participate in a county noxious weed control program; however, any resident or landowner making application for cost share grants under this section shall participate in said program.

4. For the purpose of administering the county noxious weed fund, the county governing body shall have sole discretion of awarding cost share grants under this section.

5. For the purpose of funding the county noxious weed fund, the county governing body may appropriate county funds, and/or solicit municipality, state agency, state general revenue, and federal agency funds. All such funds shall be deposited in the county noxious weed fund to be expended for the sole purpose of controlling noxious weeds so designated under this section.

6. Any county opting to establish a county noxious weed control program under this section may make rules and regulations governing said program, and any county opting to establish a county noxious weed fund under this section shall establish a cost share ratio on an annual basis beginning with the creation of the fund.

(L. 1983 H.B. 320 & 454)

Packing straw to be burned--failure a misdemeanor.

263.210. It shall be the duty of any person who shall ship or cause to be shipped into this state any fruit trees, queensware or other property of any kind or description packed in or with straw or grass of any kind, to burn said straw or grass at the time of unpacking the same, and if any such person shall not so destroy such grass or straw, he shall be deemed guilty of a misdemeanor.

(RSMo 1939 § 14262)
Prior revisions: 1929 § 12599; 1919 § 12120; 1909 § 744

Duty of prosecuting attorney.

263.220. It shall be the duty of the prosecuting attorney of the county to prosecute all actions brought under sections 263.190 to 263.240.

(RSMo 1939 § 14263)
Prior revisions: 1929 § 12600; 1919 § 12121; 1909 § 746

Control of spread of bindweed, by whom.

263.230. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate by methods approved by the state department of agriculture field bindweed (*convolvulus arvensis*) hereby designated as a noxious and dangerous weed to agriculture.

(L. 1941 p. 302 § 14264)

Eradication and control of the spread of teasel and kudzu vine.

263.232. It shall be the duty of any person or persons, association of persons, corporations, partnerships, the state highways and transportation commission, any state department, any state agency, the county commissions, the township boards, school boards, drainage boards, the governing bodies of incorporated cities, railroad companies and other transportation companies or their authorized agents and those supervising state-owned lands:

(1) To control and eradicate the spread of cut-leaved teasel (*Dipsacus laciniatus*) and common teasel (*Dipsacus fullonum*), which are hereby designated as noxious and dangerous weeds to agriculture, by methods approved by the Environmental Protection Agency and in compliance with the manufacturer's label instructions; and

(2) To control the spread of kudzu vine (*Pueraria lobata*), which is hereby designated as a noxious and dangerous weed to agriculture, by methods approved by the Environmental Protection Agency and in compliance and conformity with the manufacturer's label instructions.

(L. 2001 H.B. 473 merged with S.B. 345)

Penalty for violation.

263.240. Any person who shall violate any of the provisions of sections 263.210 to 263.240 shall, upon conviction, be guilty of a misdemeanor.

(RSMo 1939 § 14264, A.L. 1941 p. 302 § 14264a, A.L. 1979 H.B. 259)
Prior revisions: 1929 § 12601; 1919 § 12122; 1909 § 747

Plant, purple loosestrife (*Lythrum salicaria*) declared a noxious weed--distribution for control experiments only, permit required, violations, penalty.

263.241. The plant, purple loosestrife (*Lythrum salicaria*), and any hybrids thereof, is hereby designated a noxious weed. No person shall buy, sell, offer for sale, distribute or plant seeds, plants or parts of plants of purple loosestrife without a permit issued by the Missouri department of conservation. Such permits shall be issued only for experiments to control and eliminate nuisance weeds. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

(L. 1989 H.B. 869 § 1)

State agency purchasing seed from nondomestic source containing noxious weeds, liability.

263.243. Any state agency purchasing seed from a nondomestic source, which seed contains any weed not native to this state which has been declared a noxious weed by this or any other

state, shall be liable for eradication of the noxious weed or shall be liable to a landowner for costs of eradication.

(L. 1989 H.B. 869 § 2)

Brush adjacent to county roads, to be removed, certain counties --county commission may remove brush, when, procedures, certain counties.

263.245. 1. All owners of land in any county with a township form of government, located north of the Missouri River and having no portion of the county located east of U.S. Highway 63 shall control all brush growing on such owner's property that is designated as the county right-of-way or county maintenance easement part of such owner's property and which is adjacent to any county road. Such brush shall be cut, burned or otherwise destroyed as often as necessary in order to keep such lands accessible for purposes of maintenance and safety of the county road.

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 therefor, 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.

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. 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.

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.

(L. 1987 H.B. 734 § 1, A.L. 1992 H.B. 1199, A.L. 1993 H.B. 536 merged with S.B. 84)

Brush control, county option, certain counties--election to discontinue enforcement of weed control program.

263.247. 1. Section 263.245 shall become effective only in those counties described in subsection 1 of section 263.245 in which the governing body of the county submits to the voters of the county, at a regularly scheduled countywide election, a proposal to implement the provisions of section 263.245. The governing body of the county shall give notice of the election by publication in a newspaper of general circulation in the county for two consecutive weeks, the last insert of which shall be within ten days of the election.

2. The ballot of submission shall include, but not be limited to, the following language:
Shall the county of..... (county's name) enforce brush control adjacent to county roads?
 YES NO If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast at the election are in favor of such proposal, section 263.245 shall become effective in that county. If a majority of the votes cast at the election are opposed to such proposal, section 263.245 shall not become effective in that county.

4. The governing body of any county in which the provisions of section 263.245 are in effect may, on its own motion, call for an election to repeal the implementation of section 263.245 in that county. The election shall be held at the same time and in the same manner as an election to implement section 263.245 in the county as prescribed in subsections 1 to 3 of this section, except that the ballot of submission shall include, but not be limited to, the following language:
Shall the county of..... (county's name) discontinue enforcement of brush control adjacent to county roads?
 YES NO

(L. 1987 H.B. 734 § 2, A.L. 1992 H.B. 1199)

Marijuana plant to be destroyed--county commission to destroy, when.

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days' notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.

(L. 1951 p. 3 § 1, A.L. 1971 H.B. 199, A.L. 1992 H.B. 1199)