

Chapter 68 -- Nuisances

**68.010**      **Nuisances defined** -The following are hereby declared to be nuisances:

1.      Any act done or committed or suffered to be done or committed by any person, or any substance or thing kept, maintained, placed or found in or upon any public or private place within this city which is injurious, dangerous, annoying, unsafe or offensive to the public.

2.      Any pursuit followed or act done or omission failed to be done by any person which is injurious, dangerous, annoying, unsafe or offensive to the public.

3.      Any building, bridge, or other structure which is unsafe, dangerous, injurious, unhealthy, offensive or annoying to the public.

4.      Any slaughterhouse, stockyard, or stable, cattle yard, hog, sheep or cow pen, which is offensive, injurious, obnoxious, unsafe or annoying to the public.

5.      Any pond or pool of stagnant water or any foul or dirty water or liquid discharged through any drain pipe or spout or thrown into or upon the street, alley, thoroughfare, or lot which is injurious, dangerous, offensive, unhealthy, or unsafe to the public.

6.      Any construction caused or permitted on any street, sidewalk, public or private alley, which is injurious, dangerous, offensive, inconvenient, unhealthy or unsafe to the public.

7.      Any stone, dirt, filth, slops, vegetable matter, animal matter, or other articles thrown or placed in or upon any street, alley, sidewalk, or other public place which is injurious, dangerous, obnoxious, unsafe or unhealthy to the public.

8.      The placing or storage of any green or salted hides which cause an odor, which is injurious, dangerous, obnoxious, offensive, unhealthy or unsafe to the public.

9.      Any animal or vegetable matter, or other substance liable to become putrid, offensive, or unhealthy, which is injurious, dangerous, unhealthy, unsafe or offensive to the public.

10.     Any cellar, vault, private drain, pool, privy, sewer or sink, or container which may be sufficiently tightly closed to cause suffocation, which is injurious, dangerous, unsafe, or offensive to the public health.

11.     Any tenement, boardinghouse or lodging house in the city leased, let, rented, or occupied by any person for dwelling which is not sufficiently ventilated, lighted, heated, or provided with water or kept in a clean and sanitary condition, which is offensive, dangerous, injurious, obnoxious or unsafe to the public.

12.     Any house or building or tank within the city used for the special or exclusive storage of powders or dynamite, with a glycerine, coal, oil or other explosive substance, detrimental to the public health, or endangering human life, or any house, building or store, wherein small quantities of such explosives are kept, exposed, or insecure, or kept in any manner so as to endanger the public.

13. Any radio or television set or musical instrument or device operated in such manner or at such hours which are injurious, inconvenient, obnoxious, offensive or annoying to the public or persons living or doing business nearby.

**68.020. Unlawful to permit or maintain nuisance.** It is unlawful for any owner or occupant of property in the City of Moscow Mills, Missouri, to permit or maintain a nuisance on any such property. Upon conviction, such person shall be punished as provided herein, and every day such nuisance is maintained shall constitute a separate and distinct offense.

**68.030. Authority to abate emergency cases.** In cases where it reasonably appears that there is an immediate danger to the health, safety, or welfare of the public, due to the existence of a nuisance, the chief of police may immediately abate the nuisance in an appropriate manner.

**68.040. Abatement procedure.**

This section shall apply to the abatement of nuisances. This section is in addition to the penalty provision provided for in Section 68.020.

A. *Liability.* Whenever a nuisance is present on any part of any property, within the City, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.

B. *Notice.* The Chief of Police shall give a hearing after ten (10) days' notice thereof, either personally or by United States mail to the owner or owners, or his or their agents, or by posting such notice on the premises; thereupon, the Chief of Police may declare the property to be a nuisance and order the same to be abated within five days.

C. *Disposition.* In case the nuisance is not abated and removed within the five days, the Chief of Police may have the nuisance abated, and shall certify the costs of same to the city clerk.

D. *Tax Bill.* The city clerk shall cause a special tax bill therefore against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (9%) per annum.

**68.050. Non-exclusivity.** The provisions as contained herein for abatement of nuisances shall not be exclusive, and the city may pursue any additional remedies it may have as provided by law. Upon trial and conviction for causing or maintaining a nuisance, the cost of removing or abating the nuisance may be made a part of the judgment by the police judge, in addition to the fine imposed, provided, however, that the said additional cost shall be in lieu of the issuance of a tax bill as provided in Section 68.040 (4.) and (5.).

*Adopted by Ordinance 6/14/93. Amended by: Ordinance #341, 8/14/06.*