

## Chapter 68 – Nuisances

**68.010. Public Nuisance Defined.** The following conditions are deemed to be public nuisances:

- A. putrid, offensive, or unhealthy substances, including but not limited to stagnant water, allowed to accumulate or remain on private property
- B. garbage, trash, waste, junk or debris allowed to accumulate or remain on private property
- C. keeping of cattle or swine
- D. keeping of dead animals
- E. operating a slaughterhouse
- F. dangerous buildings, mobile homes, or other structures unfit or unsafe for human occupation
- G. derelict cars, trucks, or other vehicles, or parts thereof; any vehicle shall presumed to be derelict if it is without proper registration, wrecked, dismantled, not operable without repair, or if the owner thereof does not reside on the premises
- H. storage of vehicles in violation of Section 51.030
- I. grass, weeds or vegetation in violation of Section 65.010, 65.015 or 65.020
- J. an animal pen or enclosure kept in an unsanitary or unclean condition
- K. any condition that alters the natural flow of water creating a dangerous condition on public or private property
- L. any enclosure or container which may be sufficiently tightly closed to cause suffocation
- M. any residence or lodging which is not sufficiently lighted, heated, or provided with water and sewer to be kept in a clean and sanitary condition
- N. any business or activity operated in such a manner and at such hours which are offensive, intruding, or annoying to the public or to persons living nearby
- O. any other condition which is unhealthy or unsafe, provided (1) that it is described in detail in the notice that is required below, and (2) that the definition is not successfully challenged by requesting a formal hearing as provided below.

**68.020.** It is unlawful for any owner or occupant of property in the City to permit or maintain a nuisance as defined herein.

**68.030. Notice.** Abatement procedures shall be the responsibility of the Police Department. Abatement procedures shall commence by providing notice to the owner of the property of the public nuisance existing on his/her/its property. The notice may be delivered by personal service, by certified mail, or by ordinary mail. (If sent by ordinary mail, there will be a refutable presumption that the letter was delivered 5 days after the date it was sent.)

- A. The notice shall specifically describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of ten days from the receipt of the notice, abate the nuisance.
- B. Any owner who wishes to challenge the order of abatement may do so, provided that within the ten day period he/she/it requests a hearing on the validity of the order. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing

shall be conducted by the Board of Aldermen. The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his right to request such hearing shall be given by including a copy of this ordinance with any notice sent under authority of this section.

**68.040. Abatement of Nuisance.** If a nuisance is present on the property ten days after receipt of the notice by the property owner or five days after an unfavorable decision on the hearing, whichever is later, the enforcement officer may cause same to be abated. The enforcement official shall verify the cost of such abatement to the city clerk or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, and shall be collected in the same manner and procedure as for collecting real estate taxes. The City may also bring civil suit to collect the costs of abatement from the owner of the property.

**68.050. Failure to Abate is an Offense.** An owner who fails to remove a nuisance within ten days after receipt of the notice by the property owner or five days after an unfavorable decision on the hearing, whichever is later, shall be guilty of an offense and may be charged in municipal court with the offense of "failure to abate a nuisance."

**68.060. Non-exclusivity.** The provisions of this Chapter are non-exclusive, and the City may pursue any additional remedies as provided by law. For violation of this Chapter, the fine shall be set by the Municipal Judge but shall be no more than allowed by Missouri statutes. Every day of violation shall constitute a separate offense. Municipal court fines and court costs may be charged in addition to the costs of abatement assessed and/or collected by the City.

*Adopted by Ordinance 6/14/93. Amended by: Ordinance #341, 8/14/06. Ordinance #824, 09/11/18.*