**Chapter 18**

**NUISANCES**

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**Sec. 18-1. Definitions.**

The following terms used in this Chapter are defined as follows:

 *Brush*- shall include tree trimmings, and all types of woody plants, exclusive of ornamental shrubs and fruit bearing bushes and canes.

 *Debris*– shall include the refuse resulting from wind, ice, snow or fire damage, and refuse from construction.

 *High grass* – shall mean any species of grass, weeds or seedlings of greater than twelve inches of height.

 *Litter* - shall include rubble, bottles and cans, paper and all worthless things scattered about.

 *Trash*- shall include all that the word implies, especially worn-out, broken items and refuse of all types.

 *Vermin* – shall include all types and species of harmful wildlife, including but not limited to rodents (rats, mice, voles, etc.), snakes, and poisonous or disease bearing insects.

 *Weeds*- shall include all rank vegetation which normally grows wild, is poisonous, or defined by statute as a noxious weed, or is unsightly, or of no commercial or ornamental value. (Ord. 417, §1; Ord. 983, §1; Ord. 1130, §1)

**Sec. 18-2. Definition of a nuisance.**

It shall hereafter be unlawful for any person, firm, association, co-partnership or corporation owning, leasing, or having charge of, dominion or control over any lot, tract or parcel of land in this city to:

 (a) Permit any lot, or areas of adjoining streets, sidewalks and alleys to grow up in high grass, weeds, brush and other rank or poisonous or harmful and unsightly vegetation, and thus become a place where various kinds of vermin, including but not limited to rodents, snakes and insects, can breed, propagate or hide, or become obnoxious and offensive to the inhabitants of the neighborhood in which such lot is located; and whenever such conditions prevail, the same is hereby declared to be a nuisance.

 (b) Permit trash, litter, and/or debris to accumulate and remain on such premises in such quantity as to be unsightly to passers-by, detrimental to the adjoining property, and obnoxious and offensive to the inhabitants of the neighborhood in which such lot, tract or parcel of land is located; and whenever such condition prevails the same is hereby declared to be a nuisance.

 (c) Permit to remain on such premises any buildings or parts of buildings, structures or parts of structures of any kind which are dilapidated, untenantable, neglected, and deteriorating and which, in the opinion of the chief of the fire department, are or may be a fire hazard, and which endanger and depreciate the adjoining property, and which may be injurious to the health and welfare of the inhabitants of the city and obnoxious and offensive to the inhabitants of the neighborhood in which such lot, tract or parcel of land is located; and whenever such condition prevails the same is hereby declared to be a nuisance. (Ord. 417, §2; Ord. 983, §2; Ord. 1130, §1)

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**Sec. 18-3. Cutting and removal of grass, weeds and brush - Required.**

 (a) Any owner, lessee, or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any lot, or any part thereof, who shall allow or maintain on any such lot, a growth or accumulation of high grass, brush or weeds of a maximum height over twelve inches (12”) shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five ($5.00) nor more than five hundred dollars ($500.00). For the purposes of this Chapter, the owner of property is also required to maintain all easements for City utilities and streets and alleys upon their property and to the edge of said street or alley.

 (b) Exceptions – Undeveloped lots – Requirements.

 (1) Any owner, lessee, or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any Undeveloped lot as defined in Section 26-40 is not required to mow said lot to a maximum height of twelve (12) inches, unless such lot has previously been mown or brush hogged or cleared, in which case the lot shall be treated as in paragraph (a) above.

 (2) Any such owner, lessee or occupant of any such undeveloped lot as defined in Section 26-40, or any part thereof, shall be required to mow to a maximum height of twelve (12) inches, a five foot strip of said lot along the right of way of any city street or alley or sidewalk, and along the border between said owner’s property and any developed lot directly adjacent on the same street, not to extend beyond any point on such adjacent property that is also in a natural state; and failure to do so shall be a misdemeanor, and upon conviction shall be fined not less than five ($5.00) nor more than five hundred dollars, ($500.00).

 (3) Any such owner, lessee or occupant of any such undeveloped lot, or any part thereof who shall allow or maintain on any such lot, a growth or accumulation of poisonous or noxious weeds as defined by state statute, or permits thereon an infestation of various kinds of vermin defined by Section 18-1 shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five ($5.00) nor more than five hundred dollars ($500.00).

 (c) Notice of Nuisance, Summons to Court, each day a separate violation.

 Whenever the building inspector or any police or health officer shall determine that a nuisance exists as specified in Sections 18-2 or 18-3 of this Chapter, he shall give written notice to the owner, lessee or occupant, either personally or by registered mail to the owner, lessee or occupant, said notice to include a description of the nuisance found upon the property, a direction to remove or abate the nuisance within seven (7) days of the posting of said notice. Such service shall be valid if served upon the owner or custodian personally or by leaving a copy of said notice at his dwelling house or usual place of abode with some person of his family over the age of fifteen (15) years.

After the warning, a failure to abate or remove the nuisance within the seven (7) days will result in summons to Municipal Court for violation of the ordinance. Each day after the expiration of the seven (7) day notice that the nuisance remains unabated shall constitute a new and separate violation.

(Ord. 217, §1-2; Ord. 784; Ord. 983, §3; Ord. 1130 §1)

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**Sec. 18-4. Owner, tenant, or occupant to abate nuisance; failure to comply a misdemeanor;**

 **penalty.**

Whenever a nuisance exists as specified in Section 18-2 of this Code, of this Chapter, it shall be the duty of the owner, tenant, or occupant of the premises to forthwith remove and abate or cause to be removed and abated said nuisance, and every such owner, tenant, or occupant who shall fail or refuse to remove or abate said nuisance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars ($5.00) nor more than five hundred dollars ($500.00). (Ord. 417, §3; Ord. 1130 §1)

**Sec. 18-5. Building inspector shall abate or remove nuisance or cause the same to be abated**

 **and removed.**

Whenever the building inspector shall determine that a nuisance exists as specified in Section 18-2 of this Code, the board shall direct the building inspector to give written notice either personally or by registered mail to the owner, tenant, or occupant of the premises on which the nuisance exists, directing said owner, tenant, or occupant to abate and remove said nuisance within seven (7) days after the posting of said written notice in the United States mail. Such service shall be valid if served upon the owner or custodian personally or by leaving a copy of said notice at his dwelling house or usual place of abode with some person of his family over the age of fifteen (15) years.

If said nuisance is not abated and removed by said owner, tenant, or occupant within the time specified by said written notice, the board of aldermen shall direct the appropriate city official or employee to forthwith abate and remove, or cause to be abated and removed said nuisance. An accurate account shall be kept of all expenses incurred in abating and removing said nuisance, and reported to the city clerk who shall then proceed to collect the amount of said account from the owner, tenant, or occupant of the premises, and if the owner, tenant, or occupant shall fail or refuse to pay the same within thirty (30) days after requested by the clerk to do so, there shall be issued a special tax bill against the property for said expenses as provided by Section 71.780 Revised Statutes of Missouri, 1994, the same to be collected the same as other tax bills are collectable under the laws of this state. (Ord. 417, §4; Ord. 697, §1; Ord. 1130 §1)

 The written notice of a nuisance shall be valid and effective for a term of 120 days. If at any time during the 120 days the nuisance again exist, and the owner, tenant or occupant fails to abate and remove the nuisance, the Board of Alderman shall abate and remove the nuisance at the expense of the owner, tenant or occupant without the necessity of the Board having to send a second written notice of a nuisance to the owner, tenant or occupant. (Ord. 1085, §1; Ord. 1130 §1)

**Sec. 18-6. Outside storage of tires prohibited - Exceptions.**

 (a) It shall be unlawful for any property owner, agent, employee or occupant of any property within the City to store out of doors any automobile, motorcycle, all terrain vehicle, truck, tractor or farm tire except as specifically set out below.

 (b) It shall be unlawful for any person to leave, dump, abandon or store any automobile, motorcycle, all terrain vehicle, truck, tractor or farm tire upon any property within the city where such tire will be exposed to the weather, except as specifically set out below.

 (c) An exception to the ban on outside storage of tires shall be made for businesses, on land not zoned as residential, and which have valid City Business Licenses for Motor Vehicle Sales, Repair and Service, Tire Sale or Service, Tire Manufacture or Tire Recycling, provided that the storage of

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tires at these locations shall be done in such a manner that the tires are neat and not an eyesore, and that the business is currently meeting all applicable environmental regulations of the Missouri Department of Natural Resources and all similar Federal regulations, and has submitted an approved plan to the City, setting out what efforts it shall take to abate the problem of mosquito breeding upon its property.

 (d) Any business seeking exception from this section shall submit a plan, in writing, to the City, outlining what action it proposes to take to abate the problem of mosquitoes breeding in stagnant water in tires stored out of doors. These plans may consist of regular draining of water from the tires, covering the tires in a manner to exclude water collecting in tires, regular mosquito spraying by certified mosquito vector control personnel or a person with the comparable training, or any combination of spraying, draining, covering or other methods to prevent the breeding of mosquitoes. The plan proposed shall be reviewed and approved by the City Health Officer. The City retains the right to require additional measures by businesses if the City has declared a Mosquito Emergency.

 (e) It shall not be a violation for any person to leave with an exempted business, tires that the business has agreed to take.

 (f) The building inspector and the city police shall have the enforcement power of this ordinance and shall be authorized to issue summons to Municipal Court for violations.

 (g) Prior to the issuance of a summons, the building inspector or police shall deliver a notice to the owner or occupant of the property, or their agents or employees, if present upon the property, and if not by either posting upon the property or mailing by US Mail, with proof of mailing to the last known owner of the property, a notice of violation, giving the owner or occupant seven (7) days from the date of notice, if in person, or four days from the date of mailing of notice, to remove the tires or otherwise remedy the violation. Failure to either remove the tires or remedy the violation within the four days shall be prima facie proof of the intent of the owner to violate the ordinance.

 (h) Violation of paragraphs (a) or (b) of this section shall be a misdemeanor, punishable by confinement in the City Jail or other correctional facility for not more than ninety days, or by a fine of not more than five hundred dollars ($500.00), or both fine and confinement.

 (i) Failure of a business, which has an exception, to follow the plan submitted by it and approved by the City shall be a misdemeanor, punishable by a fine of not less than fifty ($50.00) dollars nor more than five hundred dollars ($500.00).

 (j) Each day after the notice period has expired is a separate offense, and no new notice is required for the issuance of continuing violations.

 (k) Nothing in this section shall be construed as limiting the City from any other legal recourse it has under its other ordinances. (Ord. 823, §1, Ord. 1130, §1)

 (l) Effective date of ordinance. This ordinance shall be in full force and effect from and after the date of its passage and approval, except that any business eligible to exception under paragraphs (c) and (d) shall have until May 1, 2003 to submit its plan to the City for approval and until June 1, 2003 to have completed the approval process. (Ord. 823, §3; Ord. 1130, §1)

**Secs. 18-7 to 18-10. Reserved.**

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