

AN ORDINANCE RELATING TO NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF AND IMPOSING PENALTIES FOR THE MAINTENANCE

BE IT ORDAINED, By the Board of Alderman of the City of Lancaster, Missouri, as follows:

Definition.

(A) For the purposes of this chapter, the word “nuisance” is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injure or endangers the comfort, repose, health or safety of others; or
- (2) Offends decency; or
- (3) Is offensive to the senses; or
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(B) For the purposes of this chapter, the word “growing season” is hereby defined as commencing April 1 and ending October 1.

Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (2) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (3) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health

of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

- (4) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (5) All disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stench.
- (6) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (7) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (8) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (12) Dead trees and dead limbs of trees so located that the falling thereof would endanger the safety of persons using any public sidewalks in said city, or endanger the safety of any pedestrian or occupant of any motor vehicle traveling upon any public street.
- (13) Tree limbs and branches which overhang any public sidewalk or public street of such height above the sidewalk or street as shall impede and interfere with the use of said sidewalk by any person, or impede any interfere with the use of said street by a pedestrian or the operator of any motor vehicle, or shall endanger the safety of any person using any public sidewalk, or endanger the safety of any pedestrian or occupant of any motor vehicle traveling upon any public street.

Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

Inspections.

The mayor, chief of police, police officer or some other duly designated officer are hereby authorized to enter into or upon any premises where there is a reason to suspect the existence of any nuisance.

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Notice to abate.

Whenever a nuisance is found to exist within the city or within the city's extraterritorial jurisdiction, the mayor, chief of police, police officer or some other duly designated officer of the city shall give five (5) days written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

Contents of notice.

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- (2) The location of the nuisance, if the same is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Abatement by city.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the mayor, chief of police, police officer or other duly designated officer of the city shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

City's costs declared lien.

Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

Weeds.

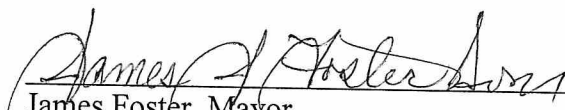
- (a) *Defined.* Noxious weeds and other rank vegetation or grass over eight (8) inches in height.
- (b) *Prohibited.* Weeds in violation of this section shall not be allowed to grow on any part of any lot or ground within the City of Lancaster.
- (c) *Owner responsibility.* If weeds are allowed to grow in violation of this section, the owner of the grounds, or in the case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.
- (d) *Mayor, Police Chief or Police Officer to provide hearing.* The Mayor, Police Chief or a Police Officer shall be empowered to make determinations, upon physical inspection of the premises, that weeds are in violation of this section. Thereupon, the Mayor or Officer shall give the owner a hearing concerning said violation or violations.
- (e) *Notice of hearing.* Upon establishing the date and time of the hearing, the Mayor or Officer shall give ten (10) days notice of said hearing, either personally or by U.S. mail, to the owner or owners, or his or their agents or by posting said notice on the premises.
- (f) *Declared a nuisance.* Thereupon the Mayor or Officer may declare the weeds to be a nuisance in violation of this chapter and order the same to be abated within five (5) days.
- (g) *Abatement by city if owner takes no action.* In case the weeds are not cut down and removed within the five-day abatement period, the Mayor or Officer shall have the weeds cut down and removed.
- (h) *Special tax bill for costs of abatement.* The Mayor or Officer shall certify the costs of the abatement authorized in subsection (g) to the city clerk who shall cause a special tax bill therefore against the property to be prepared and to be collected by the collector with other taxes against the property.
- (i) *Tax bill is lien.* From the date of its issuance, the tax bill 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.
- (j) *Tax bill issuance.* Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight (8) percent per annum.
- (k) *Limitation of Notice Requirement:* Any person who violates this provision shall be limited to one (1) notice to abate said nuisance during each growing season.

Penalty.

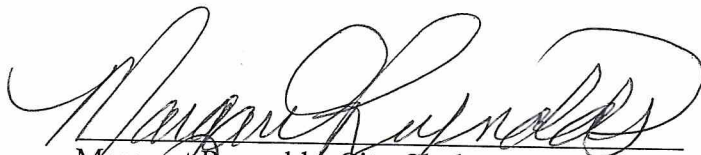
The owner or other person entitled to the possession of any premises upon which a nuisance as hereinabove defined exists who fails to abate such nuisance within twenty-four (24) hours after notice is given, as hereinabove provided, shall, upon conviction, be deemed guilty of a misdemeanor and punished by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each day during which he or she shall fail to abate such nuisance.

15 Passed and approved by the Board of Alderman of the City of Lancaster, Missouri on this day of July, 2013.

Approved:


James Foster, Mayor

Attest:


Margaret Reynolds, City Clerk