

**AN ORDINANCE ESTABLISHING A CHAPTER 68 ON NUISANCES FOR THE CITY OF LEETON, MISSOURI.**

**BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF LEETON, AS FOLLOWS:**

Section One: The Leeton ordinance on nuisances shall be denoted as Chapter 68 and is hereby readopted to read as follows; replacing and repealing all prior versions of Chapter 68:

**CHAPTER 68—NUISANCES**

68.010. Nuisances prohibited. No person, firm, corporation, entity, or others including owners, occupants, and those in charge of any house, structure, building, lot premises, or other property within the city limits of Leeton or within one-half mile thereof, shall permit, cause, commit or permit to be committed, keep, maintain, or fail to abate any nuisance as defined by the laws of this state or the ordinances of the City of Leeton, Missouri, in or upon any house, structure, building, lot, premises, or other property within the City of Leeton, Missouri or within one-half mile thereof.

68.020. Nuisances, defined. The following are hereby defined, deemed, and declared to be nuisances for the purposes of this chapter and enforcement of its provisions:

1. weed cuttings;
2. cut or fallen trees and shrubs;
3. overgrown vegetation seven inches or more in height;
4. noxious weeds seven inches or more in height;
5. rubbish and trash;
6. lumber not stacked twelve inches off the ground;
7. rocks or bricks;
8. tin, steel or parts of derelict cars or trucks;

9. broken furniture;
10. any flammable material which may endanger public health or safety;
11. All substances which emit or cause foul, obnoxious, unhealthy, or disagreeable odors or effluvia;
12. All carcasses of animals remaining exposed for twelve hours after death;
13. Every meat shop, stable, or barn or other building of any kind whatever, which emits or causes any offensive, disagreeable, or nauseous smell or odor;
14. All slop, foul, dirty water, filth, refuse, offal, discharged or allowed to accumulate in or upon any street, sidewalk, alley, pond, pool, or other place;
15. Any organic or inorganic material that emits or causes an offensive smell or odor;
16. All articles or things whatsoever, caused, kept, maintained, or permitted by any person to the injury, damage, danger, inconvenience, or annoyance of the public or the general public welfare and good order;
17. All pursuits followed or engaged in or acts done by any person or persons to the injury, annoyance, damage, danger, or inconvenience of the public;
18. All ashes, cinders, slop, filth, excrement, sawdust, stones, rocks, dust, straw, sticks, shavings, bones, cans, paper, trash, rubbish, manure, refuse, offal, wastewater, fish, putrid meats, entrails, decayed fruits or vegetables, broken ware, rags, old iron, or other metal, old wearing apparel, all animal or vegetable matter, all dead animals, or any other offensive or disagreeable substance or thing thrown or left deposited, by anyone in or upon any street, alley, sidewalk, pond, pool of water, or other place;
19. Any and all substances, materials, articles, things, or vehicles, caused, kept, maintained, or permitted to remain on or in any property, including parked vehicles which constitute an immediate hazard, inconvenience, or annoyance to the public or the general public welfare;
20. Any unlawful act, or omission of any duty, or allowing or permitting any condition or thing to be or exist, which act, omission, condition, or thing either:
  - (a) injures or endangers the comfort, repose, health, or safety of others; or
  - (b) offends the decency of a reasonable person; or

- (c) is offensive to the senses of a reasonable person; or
- (d) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any public or private street, highway, sidewalk, stream, ditch, or drainage area; or
- (e) in any way renders other persons insecure in life, safety, or use of property; or
- (f) substantially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others;

21. Any condition which provides harborage for rats, mice, snakes, and/or other vermin;

22. All unnecessary or unauthorized annoying noises and vibrations, including animal noises;

23. All disagreeable or obnoxious odors and stenches as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches;

24. The pollution and the condition resulting in the pollution of any cistern, stream, lake, canal, body of water, or public well by sewage, dead animals, creamery, industrial waste, or other polluting substances;

25. Any house, building, structure, or other place or location where any activity which constitutes a violation of local, state, or federal law is conducted, performed, permitted, or maintained;

26. Any accumulation of stagnate water maintained or allowed to remain on any property;

27. Dense smoke, noxious fumes, gas, or soot;

28. Dead trees and dead limbs of trees so located that the falling thereof would endanger the safety of persons using any public property including sidewalks in the city, or endanger the safety of any pedestrian or occupant of any motor vehicle traveling upon any public street, highway, or alley;

29. Tree limbs and branches which overhang any public street, highway, or alley of such height above sidewalk or street so as to impede and interfere with the use of the passage ways by any person or vehicle or which shall endanger the safety of any person using such passage way;

30. Tree limbs, branches, bushes, or any other item located at an intersection

which obstructs the view of the intersecting roadway for any driver lawfully stopped at such intersection.

68.025. Authority to inspect. The mayor, any police officer, or other authorized agent or employee of the city is hereby authorized to enter into or upon any premises, property, or structure in order to inspect for the existence of any nuisance.

68.030. Nuisances unlawful. It shall be unlawful for any person, firm, corporation, or other entity to cause, permit, keep, commit, permit to be committed, maintain, or fail to abate any nuisance, and any person or entity violating any provision of this chapter shall be guilty of a misdemeanor and for every day the nuisance shall remain shall constitute a distinct and separate offense. No notice to abate any nuisance or administrative hearing shall be required as a prerequisite to the municipal prosecution and conviction of any person or entity violating any provision of this chapter.

68.040. Notice and non-emergency abatement of nuisance; penalty.

1. Whenever the mayor or a police officer shall ascertain or have any knowledge that a nuisance exists in or upon any house, premises, property, or roadway within the city, or within one-half mile of the boundaries thereof, notice in writing shall be given to the person owning, occupying, and having possession or control of such house, premises, or property that a nuisance exists and to abate or remove such nuisance, within a reasonable time to be stated in the notice, which shall be at least ten (10) days.

2. Any person receiving a notice to abate under this chapter may request a hearing before the Board of Alderman within the time allowed in the notice to abate the nuisance. The Board shall hear the matter within 45 days of the request. Such person shall have the right to appear, to present evidence and cross-examine witnesses. If after hearing the matter the Board finds that a nuisance exists, they may order the same abated within seven (7) days or such other time as the Board deems reasonable.

3. Any person notified as provided in the preceding section, who shall fail, neglect or refuse to comply with the notice within the time limit in such notice shall be deemed guilty of a misdemeanor, and every day thereafter that such person shall fail, neglect, or refuse to abate or remove such nuisance he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

4. If the owner or person occupying or having possession or control of any premises, building, or property upon which a nuisance is determined to exist in violation of this chapter, does not abate or remove the nuisance within the time stated in the notice to abate such nuisance, as provided for above, the city may enter in or upon such premises, building, or property and abate such nuisance. The cost and expense of such abatement by the city together with all notices given, shall be delivered to the city clerk and the city clerk shall cause a special tax bill to be issued and such bill shall be a lien on the property until paid. A special tax bill shall not be issued against any property

situated entirely outside of the city limits. All special tax bills shall also be deemed a personal debt against the owner. All tax bills shall bear interest of 8% after delinquency until paid.

68.050. Notice; emergency abatement; owner or maintainer to pay cost; appeal.

1. Whenever the mayor of the city shall ascertain or have any knowledge that a nuisance is of such character as to pose an immediate and eminent threat to the public health, safety, or welfare, the mayor of the city shall have the authority to order the nuisance abated or removed at the owner's expense.

2. Within 24 hours of the abatement or removal of a nuisance under this section, the mayor shall send notice of the nuisance's emergency abatement or removal of the nuisance to the owner or maintainer thereof, indicating what was done with the nuisance, the reason for its removal or abatement, the cost of its removal or abatement, the storage location of the nuisance, if applicable, and the cost of storage, if applicable. The property abated or removed by authority of this section shall be deemed abandoned and shall be disposed of either by sale or destruction, after thirty days unless the owner thereof contacts the city clerk within ten days after the date of mailing, delivery or posting of the notice and arrangements are made to pick up the property.

3. The owner or maintainer of the nuisance shall be taxed, by special tax assessment or tax lien, for the cost of emergency abatement or removal and storage of the nuisance but may appeal the special assessment or lien to the Board of Aldermen, by filing a notice of appeal to the Board of Aldermen, with the city clerk within 10 days of mailing, delivery or posting of the notice of the abatement or removal. Tax liens under this section shall be as described in Section 68.040.4.

4. The Board of Aldermen may, after hearing and for good cause shown, waive all costs incurred in removing, abating, or storing the nuisance.

68.055. Method of providing notice. All notices provided for in this chapter shall be given by personal service upon the person or entity to whom the notice is addressed if the person or entity resides or is located within the city, except as otherwise provided. If such personal service is not obtained after reasonable effort has been made, or if the person or entity to be notified does not reside or is not located within the city, service shall be made upon the persons or entity by mailing the notice by certified United States Mail, return receipt requested, to the person or entity's last known address or by posting such notice on the property, premises, or building in a conspicuous manner. All notices served by mail or posting shall be deemed effectively served on the date of mailing or posting. All notices served as provided for in this sections shall be deemed valid and sufficient notice.

68.060. Removal of snow and ice from sidewalks. It shall be the duty of all persons owning or occupying real estate in this city to remove all snow and ice on the sidewalk immediately in front of such property and to keep such sidewalks free and

clear of snow and ice; and any such owner or occupant at any lot or parcel of ground in the city who shall refuse or neglect to remove the snow or ice on the sidewalk immediately in front of his lot or parcel of ground, or allows the same to remain thereon, shall be deemed guilty of a misdemeanor and punished by a fine of not less than one dollar nor more than one hundred dollars.

68.070. Attorney fees and costs. In the event any civil action is instituted by the City for abatement of any nuisance, the City may, upon successful completion of the action be awarded its reasonable attorney fees.

68.080. Smoke.

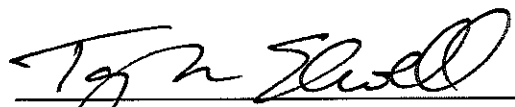
1. The emission or discharge into the open air within the city limits of any dense smoke is declared a nuisance.

2. The owners, occupants, lessees, managers or agents of any building, establishment or premises from which such smoke is emitted shall be guilty of an offense and shall pay a fine of not less than \$25 or more than \$100 for each day the violation occurs.


3. It shall be a defense to a charge of violating this section that there is no known practicable device, appliance or means to prevent the discharge charged as a violation.

Section Five: This ordinance shall be in full force and effect after its passage.

Passed in open session by the Board of Alderman this 9<sup>th</sup> day of August, 2016.

  
Taylor Elwell, Mayor

Attest:

  
Terry Bond, City Clerk