

AN ORDINANCE ESTABLISHING STANDARDS FOR THE DECLARING OF NUISANCES WITHIN THE MUNICIPAL LIMITS, ESTABLISHING PROCEDURES FOR THE ABATEMENT OF SAID NUISANCES, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF, AND MATTERS RELATED THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY:

Section 1: That cities of the fourth class, Foley being such, have the authority under Section 71.780 RSMo. to declare nuisances and to order the abatement thereof.

Section 2: For the purposes of this ordinance the following words and phrases shall be defined:

A. Animal or vegetable matter: Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation thereof of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health are declared to be a public nuisance.

B. Disposition of Carcasses: Failure to dispose of the body of an animal that has died from any cause other than rabies or suspected rabies within twenty-four (24) hours after knowledge of such death is declared to be a public nuisance.

C. Grass, Weeds, Trash, etc.: It shall be unlawful for any person including the owner or occupant of such premises to maintain or permit to be maintained any premises including vacant lots or lands upon which grass, weeds, undergrowth, trash, garbage, building materials, glass, wood, or miscellaneous refuse is permitted or caused to accumulate in any manner which is a public nuisance, or to place or leave same adjacent to his premises or in any public place unless done pursuant to the ordinance providing for collection of garbage. The uncontrolled growth of weeds or grass to a height in excess of twelve (12) inches, causing or threatening to cause a hazard detrimental to the public health or safety, shall be considered a nuisance and in violation of this ordinance.

D. Littering: No person on public or private property within the City shall litter by wilfully or negligently throwing or dropping any item such as bottles, cans, papers, liquid, ice or trash of any kind or by unloading or dumping any refuse onto any area not authorized for refuse disposal.

E. Mosquito Breeding Places: Any pond or pool of stagnant water upon any premises and any foul or dirty water or liquid when discharged through any drain or spout or thrown into or upon any street or public way that pools or puddles. The maintenance of any barrels, troughs, ditches, fountains, cisterns, cesspool, bottles, tubs, or buckets that allow the collection of water.

F. Public Nuisance: Any condition detrimental to the public health and in violation of this section is declared to be a public nuisance. In addition, all conditions and acts that are declared a common law nuisance are included.

H. Rubbish, Trash or Junk: Any accumulation of personal property causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation thereof of rats, mice, snakes or vermin of any kind, which are injurious to the public health are declared to be a public nuisance.

Section 3: The City Police Department shall have the right to enter and inspect during daylight hours any building, lot, cellar, sewer, or privy of any kind and description, other than an occupied dwelling, when such officer reasonably believes it to be dangerous and detrimental to the public health, and shall have the power to order the person owning or in possession or control of such premises to abate the nuisance.

Section 4: No person shall permit, cause, keep or maintain or create within the City any nuisance.

Section 5: It shall be the duty of the Chief of Police, whenever notified by action of the Board of Aldermen or otherwise having personal knowledge of the existence of a nuisance prohibited by this ordinance, to give a written notice to the person causing or maintaining such nuisance to abate the same within a reasonable time to be specified in such notice. For purposes of this ordinance ten (10) days is considered reasonable. Such notice may be served by the Chief of Police or any other member of the police force, or can be mailed to the owner or occupant by certified mail at their last known address.

Section 6: If any person having been informed of the existence of a public nuisance fails or neglects and refuses to abate the same within ten (10) days of the receipt of the notice or the posting of the notice, the Chief of Police may make arrangements to contract with individuals to go upon such premises, other than an occupied dwelling, and to remove or otherwise abate such nuisance under the supervision of the Chief of Police. Any person who has been ordered to abate a public nuisance may within the ten (10) day period request the City in writing to remove such condition, the cost of which shall be borne by the person making such request.

Section 7: The actual cost incurred by the City in removing or otherwise abating a nuisance shall be charged to the owner of the lot or parcel of land upon which the nuisance exists. The City Collector shall mail a statement of such charges to the owner or other person in possession of such premises within thirty (30) days of the abatement.

Section 8: In addition to the remedies of the preceding section, the City may issue a summons to any owner or occupant of the premises to appear in Court and to answer to the charge of maintaining a public nuisance. Said charge shall be heard in the Municipal Court upon the same procedures as any other summons brought in Municipal Court.

Section 9: In addition to the other remedies contained in this ordinance the City may seek injunctive relief in the Circuit Court of Lincoln County if authorized by the Board of Aldermen.

Section 10: Any person who is found to be in violation of this ordinance shall be liable for the cost of the abatement of the nuisance.