

AN ORDINANCE REGULATING THE PRESENCE AND STORING OF DEBRIS, ABANDONED OR DERELICT AUTOMOBILES AND ABANDONED OR DERELICT BUILDINGS OR STRUCTURES ON PROPERTY LOCATED WITHIN THE CITY LIMITS PROVIDING FOR METHODS OF ABATEMENT, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF, AND MATTERS RELATED THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

Section 1: Cities of the fourth class, Foley being such, have the authority, under Sections 67.398, 67.400, 79.370, and 79.410 RSMo., to enact ordinances to provide for the abatement of conditions on any lot or land in the City that has a maintenance of debris or other abandoned and personal property on it, to regulate and compel the repair of abandoned and dangerous buildings, and to regulate and compel the removal of derelict or abandoned automobiles. That the Board of Aldermen of the City of Foley firmly believes that the collection of debris on private property, the storage of abandoned or derelict automobiles and the presence of abandoned or derelict structures located on the land or lots is injurious to the public health and constitutes a nuisance, and as such, needs to be suppressed and abated.

Section 2: A presumption shall exist that a property owner has created a nuisance when he or she allows the collection of debris of any kind, including but not limited to, weed cuttings, cut and/or fallen trees and/or shrubs, overgrown vegetation and noxious weeds which are seven inches (7") or more in height, rubbish and/or trash, lumber not piled or stacked twelve inches (12") off the ground, rocks or bricks, tin, steel, parts of any derelict vehicle, broken furniture, any flammable material, or other material which is unhealthy or unsafe, shall constitute a public nuisance and may be abated in accordance with the procedures hereinafter established.

Section 3: A presumption shall exist that any motor vehicle is abandoned and derelict when any one or more of the following are present:

- a. More than one tire is flat or missing; or
- b. There is no current registration and/or license plate properly displayed on the vehicle; or
- c. The vehicle does not bear a current inspection sticker readily visible on the front windshield; or
- d. Missing Parts which are essential for its operation; or
- e. One or more windows are broken, shattered or missing.

Section 4: The City believes that abandoned vehicles as defined in this Ordinance are injurious to the public health and shall constitute a public nuisance and shall be abated in accordance with the provisions hereinafter set forth.

Section 5: For the purpose of this ordinance, all buildings and structures which have any of the following defects shall be deemed a dangerous building provided that any one or more of the conditions or defects exist to the extent that life, property or safety of the public or its occupants are threatened:

- a. Those whose exterior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing

through the center of gravity falls outside of the middle third of it's base.

b. Those which, exclusive of the foundation, show substantial damage or deterioration of the supporting member, or members, or of the non-supporting enclosing or outside walls or coverings.

c. Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

d. Those which have been damaged by fire, flood, wind or other casualty so as to become dangerous to life, safety, morals or the general health and welfare of the occupants, or the people of the City.

e. Those which are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation and are likely to cause sickness or disease so as to work injury to the healthy morals, safety or general welfare of those occupying such buildings.

f. Those having light, air, or sanitation facilities which are inadequate to provide the health, moral, safety or general welfare of the persons who live or may live therein.

g. Those, which have been built, exist or are maintained in violation of the generally accepted local standards relating to the condition, use, location or structure of buildings.

h. Those which are in such condition as to constitute a public nuisance as known to be in common law or in equity jurisprudence.

i. Those which have been abandoned for a period in excess of six (6) months, and are in a condition thereof to be an attractive nuisance or hazard to the public.

j. Those which because of obsolescence, dilapidated condition, deterioration or casual damage are detrimental to the sale, loan or taxable values of surrounding properties, or render or tend to render such surrounding properties uninsurable, or which constitute an eye sore so as to deprive owners or occupants of neighboring property of the beneficial use and enjoyment of their premises, or which present an appearance which is offensive to persons of ordinary sensibilities.

k. Those which because of obsolescence, dilapidated condition, deterioration or casual damage, inadequate exits, lack of sufficient fire restrictive construction, faulty wiring, gas piping, connections or heating apparatus or other causes deemed to be a fire hazard.

Section 6: The City believes that dangerous buildings as defined in this ordinance are injurious to the public health and shall constitute a public nuisance and shall be abated in accordance with the provisions hereinafter set forth.

Section 7: Upon notice of any condition meeting the definitions and standards of this ordinance, the Chief of Police, or in his absence the Mayor, shall authorize an investigation of the condition or order an initial assessment to be made and if said condition exists, shall cause a notice to be

served upon the owner of the property by forwarding the same to the owner's last residence by certified mail, return receipt requested, or by personal service or by posting of notice on the property where the condition exists. The notice shall require the owner to begin the process of abating the nuisance or condition causing the public nuisance within seven (7) days of receiving notice of the condition, or of posting.

Section 8: The notice provided shall direct the complete abatement or removal of the nuisance within fourteen (14) from the receipt of notice of the condition or of the posting of the notice. The notice shall advise that upon failure to comply with the notice to abate, the Chief of Police, or the Mayor in his absence, shall undertake such prevention, abatement or removal of the nuisance at the cost of the occupant or owner of the property. The person to whom the notice is directed may file a written request for a hearing in front of the Board of Aldermen within the initial seven (7) day period of to begin abatement.

Section 9: The hearing shall be held as soon as practicable before a regular or special meeting of the Board of Aldermen, with at least five (5) days written notice to the person requesting the hearing. The Chief of Police, or the Mayor in his absence, shall present evidence to the Board as to the condition and the reasons for the nuisance, and the Board shall make a finding in writing on whether the condition constitutes a nuisance.

Section 10: If no hearing is requested, or within seven (7) days after the notice of the Board's ruling of such condition being a nuisance, the landowner shall begin the process of correcting the nuisance in the areas of derelict or abandoned automobiles or the accumulation of debris and material on the property. The landowner shall have fourteen (14) days from the date of that notice to abate the nuisance. In the event of an abandoned or dangerous building, the landowner shall have seven (7) days after the notice of the Board's ruling of such condition being a nuisance, to begin the process of abating the nuisance and shall complete that process within thirty (30) days.

Section 11: If landowner does not timely begin or complete the abatement of said nuisance, the City may order the abatement and removal of the nuisance, and all costs and expenses incurred by the City in preventing, abating or removing such nuisance on any property within the City may be assessed against the person permitting, causing, maintaining, allowing to remain, or creating the nuisance.

Section 12: Pursuant to this Section, whenever the City has prevented, abated or removed a nuisance, the cost and expenses incurred may be assessed as a special tax bill against the real property upon which the nuisance existed, which sum shall be certified by the City Clerk, including the certification costs, and shall be collected in the same manner and procedure for collecting municipal real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The special tax bill from the date of its issuance shall be deemed a personal debt against the owner, and shall also be a lien on the property until paid.

Section 13: In addition, any person maintaining a nuisance past the applicable time period for abatement contained in this Ordinance, shall be guilty of the offense of maintaining a nuisance.

Section 14: Any person convicted of the offense of maintaining a nuisance shall be subject to a fine of up to Five Hundred Dollars (\$500), and/or imprisonment in the Lincoln County Jail for up to ninety (90) days.

THIS ORDINANCE SHALL BE IMMEDIATELY IN FULL FORCE AND EFFECT UPON ITS ENACTMENT AND APPROVAL.

READ THREE TIMES AND APPROVED THIS 17 DAY OF MARCH, 1999.

Joe W. Tolson
MAYOR

ATTEST:

Sylvia Collier
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF FOLEY, MISSOURI, THIS ~~22~~¹⁷ DAY OF ~~DECEMBER, 1998.~~
March 1999

Joe W. Tolson
MAYOR

ATTEST:

Sylvia Collier
CITY CLERK

