

Ordinance No. 36 - A

BILL
Bill No. _____

36-A

AN ORDINANCE DECLARING CERTAIN PLACES, THINGS, AND ACTS TO BE A NUISANCE: PROVIDING FOR THE ABATEMENT OF SUCH NUISANCE: AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ARCADIA, MISSOURI, as follows:

SECTION 1. Nuisances defined.

The following places, things and acts are hereby declared to be nuisances, namely:

- (1) Throwing or depositing or causing to be deposited in any street, alley, or public or private property or other public place, any garbage, refuse, filth, debris, offal, the carcass of any animal or part thereof, any filthy water or manure, or other offensive matter, or causing or permitting such or any offensive matter to collect or remain in any place to the prejudice or annoyance of others.
- (2) Any unclean, stinking, foul, odorous, or filthy drain, ditch, tank, or gutter, or any leaking, broken slop, garbage or manure boxes, or receptacles of like character.
- (3) All vegetable waste, litter, garbage, filth or refuse of any nature, kind, or description whatsoever found in or upon any private or public property.
- (4) Any dirt gathered in cleaning yards, waste of mills or factories, or any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials which are offensive to tend by decay to become putrid or to render the atmosphere impure or unwholesome, found upon any lot or piece of ground.
- (5) The throwing or depositing or causing to be deposited into any sewer inlet or fixture which has a sewer connection, any article whatever that may cause the sewer to choke up or otherwise create a nuisance.

- (6) Any water, leakage, seepage, or moisture in any cellar, basement or park thereof, of any house or building, occasioned by leakage from defective hydrants, water pipes, sewer pipes, cisterns, or wells, gutters, drains, rain spouts or seepage from the surrounding earth.
- (7) Any pond or pool or unwholesome, impure, stagnant or offensive water found upon any lot or piece of ground.
- (8) Any open, uncovered or unprotected well or cistern on any premises, or any well or cistern containing water which an analysis discloses to be impure or unwholesome in nature.
- (9) Carcasses of animals not buried, destroyed, or removed within twelve hours after death.
- (10) Any water accumulating and remaining, continuing or stagnating upon, in or about any lot, tract or piece of ground, or any barrels, buckets, kegs, tubs, cans or vessels of any kind whatsoever caused or permitted to be thrown, placed or remain upon any lot, property or grounds in said City that might, could or would catch, hold, contain or retain water in which mosquitoes or insects, bugs, worms or living creatures might be bred, hatched, raised or allowed to remain or accumulate.
- (11) Any growth of weeds on any lot or tract, or any part of any lot or parcel of ground allowed to a height of over twelve inches. The term weeds shall be held to include all rank vegetable growths which exhale unpleasant and noxious odors, all poisonous growths, or high and rank vegetable growths which may conceal filthy deposits, rodents or reptiles.
- (12) The erection, continuance or use of any building, room or other place in said city for the exercise of any trade, employment or manufacture, which by occasioning noxious

exhalations, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public.

Section 2. Unlawful to maintain nuisances:

It shall be unlawful for any person, firm or corporation, by themselves or by their agents or employees, or as the agent of employee of another person, firm, or corporation, to do or permit to be done, upon any premises over which they have control, or to maintain, carry on, suffer or allow, at any place or places in the preceding sections mentioned, any of the acts or things herein declared to be nuisances, or to do, or cause, or permit, or suffer to be done, or maintain any act or thing which shall be detrimental or injurious to public health, or offensive to the senses or contrary to public welfare, within the boundaries of the City of Arcadia, and within one-half mile of the boundaries thereof.

Section 3. Duty to abate nuisance on order of authorized city official:

It shall be the duty of the owner or occupant of the premises, or his agent, or the person causing or maintaining such nuisance, to abate the same after an order by the authorized city official in accordance with the terms prescribed in said order.

Section 4. Decayed or dangerous articles to be destroyed:

Whenever any household goods, bedding, clothing, fruit, hides or skins of any kind, or any other article, are found within the city, which in the opinion of the authorized city official is dangerous to the health of the inhabitants thereof, he shall have the power and authority to cause the same to be destroyed in such manner as he may direct, and he may employ such persons as he sees fit for that purpose.

Section 5. Abatement of nuisance without notice, authorized city official's power, mode, special tax bills:

Whenever it becomes necessary to abate a nuisance immediately, as in this article define, in order to secure the general health of the city, or any of its inhabitants, the authorized city official is authorized to abate such nuisances without notice, and he may use suitable means or assistance for that purpose, whether employees of the city or day laborers especially employed for that purpose, or any other help or assistance necessary therefor. The authorized city official shall certify the cost of abating said nuisance to the council, and the council may by ordinance levy the cost thereof as a special tax bill against the property on which said nuisance was located, if within the city limits, which said tax shall be collected like other special tax bills and shall be a first lien on the property until paid.

Section 6. Nuisances abated notice:

In case the abatement of any nuisance described in the foregoing section is not immediately necessary for the protection of the health of the inhabitants of the city, the authorized city official shall cause the City Clerk to prepare a notice in form substantially as set out in Section 7 of this Ordinance to notify the person or persons who have committed or suffer the continuance of such nuisance, or the occupant of the property on which the nuisance exists, to have such nuisance forthwith removed and abated and within the time limited in such notice. Such notice shall be in writing and shall be served upon the person or persons who have committed the nuisance or has permitted the continuance of such nuisance.

Section 7. Form of notice:

A notice to abate a nuisance shall be in form substantially as follows:

"You are hereby notified that an authorized city official has filed a report in writing stating that the (here describe the nuisance, stating whether pig pen, cesspool, growth of weeds, or what) situated on the premises _____ by you at _____ constitute a nuisance;

And that the city official has determined and found said _____ to constitute a nuisance as provided by the ordinances of the City of Arcadia.

The City of Arcadia therefore hereby notify you that you are required to abate said nuisance by _____ within _____ days from your receipt of this notice.

You are further advised that if the action herein ordered is not taken within said _____ days from your receipt of this notice, that the City of Arcadia may proceed to abate said nuisance and may issue a special tax bill for the expense of abating said nuisance. You are further advised that this or any other procedure taken to effect the abatement of said nuisance does not preclude the filing of a complaint in the Police Court of the City for causing or maintaining of said nuisance.

BY ORDER OF THE BOARD OF ALDERMEN

(Signed) _____
City Clerk

Section 8. Pro rata distribution of cost of abating nuisance located on property of more than one owner:

If any nuisance abated by the authorized city official as hereinbefore provided, extended before the abatement over the property of more than one owner, the cost of abating the same shall be assessed in proportion to the amount of work and expense for each proportionate part of the entire work and the area, and the special tax bills hereinbefore provided for shall be levied and collected accordingly.

Section 9. Right of entry on premises to abate nuisances:

Any person or contractor employed or contracted with for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose and into and upon any premises, and it shall be unlawful to interfere with any police officer or any officer, agent or employee of the city, or with any representative of the authorized city official, for the purpose of sanitary inspection or the discovery or abatement of any nuisance.

Section 10. Who liable for nuisance:

The owner of any premises, or his agent in charge thereof, as well as the tenant or occupant of such premises are hereby charged with the duty of observing all of the requirements and provisions of this article with reference to nuisances, and any or all of said persons together with the person or persons causing or contributing to cause or bring about any nuisance, may be charged with the violation hereof and shall be equally liable.

Section 11. Penalty:

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$250.00; and each additional twenty-four hours said nuisance is allowed to remain shall constitute an additional offense, and for each additional offense the party convicted shall be subject to a fine of not less than \$50.00 nor more than \$250.00. Whenever the city incurs any costs and expenses in removing or abating any nuisance on any property, public or private, within the city limits or within one-half mile thereof, the person or persons, firm or corporation so creating, maintaining, or refusing to abate such nuisance, if caused by them or either of them or their agent, in addition to any fines and penalties assessed against him, them, or it, shall reimburse the city for such costs and expenses and such costs and expenses shall be assessed as a part of the judgment.

Section 12. City's right to civil action for cost of abating a nuisance:

Nothing in the preceding sections shall be construed as abandoning or limiting the city's right to bring suit for all expenses attending the abatement of a nuisance, when performed by the city, in any court of competent jurisdiction in the name of the city of Arcadia, against the person maintaining, keeping, creating or refusing to abate the nuisance so abated.

Section 13. Validity:

Should any section or provisions of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.


Section 14. Repeal of conflicting ordinance.

All ordinances or parts of ordinances in conflict with any of the provisions of the Ordinance are hereby repealed insofar as the same are in conflict with the provisions of this ordinance.


Section 15. Effective date.

This Ordinance shall be in force and effect upon its passage and approval, and publication as provided by law.

WHEREUPON, this ordinance was read three times and approved by vote of the Board of Aldermen of the City of Arcadia, Missouri, on this 13 day of September 1999.


Roy Carr
Roy Carr, Mayor

ATTEST:


Mary Johnson
Mary Johnson, City Clerk