

BILL NO. 556

ORDINANCE NO. 556

**ORDINANCE**

AN ORDINANCE RELATING TO THE REGULATION OF WEEDS AND VEGETATION.

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

WHEREAS, the Missouri General Assembly has, in 1997, adopted a new statute regulating weeds and vegetation, and

WHEREAS, this community needs to take advantage of the provisions of that law, and to provide for a simplified and easy way to deal with debris, trees and shrubs, and vegetation that grows to create a nuisance,

NOW, THEREFOR, be it ordained by the Board of Aldermen of the City of Green City, as follows:

SECTION ONE: Ordinances Repealed. The following ordinances and parts of ordinances previously enacted are hereby repealed: Ordinance 495 adopted July 19, 1990.

SECTION TWO: Debris Defined. Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement. Debris includes weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, and/or any flammable material. The word "debris" also includes any other material which is found on any lot or land that is unhealthy or unsafe provided (1) that it is described in detail in the notice that is required in Section Three below, and (2) that the definition is not challenged by requesting a formal hearing as provided in Section Three below.

SECTION THREE: Notice. Enforcement of this ordinance shall be the responsibility of the Green City Chief of Police. Enforcement shall commence by providing notice to the owner of the property of the nuisance condition existing on his/her/its property. The notice may be delivered by personal service, by certified mail, or by ordinary mail. (If sent by ordinary mail, there will be a rebuttable presumption that the letter was delivered 5 days after the date it was sent.)

A. The notice shall generally describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of seven days from the receipt of the notice, abate the nuisance.

B. Any owner who wishes to challenge the order of abatement may do so, provided that within the seven day period he/she/it requests a hearing on the validity of the order under the state Administrative Procedure Act, RSMo Chapter 536. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the city council.

The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his right to request such hearing shall be given by including a copy of this ordinance with any notice sent under authority of this section. Once a request for a hearing is received, the hearing shall be conducted in accordance with the "contested case" provisions of the state Administrative Procedure Act. The city attorney shall represent the city at such a hearing.

SECTION FOUR. Abatement of Nuisance. If the nuisance is present on the property seven days after receipt of the notice by the property owner, the enforcement officer shall cause the same to be abated. (The costs of abatement may include a fee for the city's costs in administering this ordinance, which fee shall not exceed \$100.00.) The enforcement official shall certify the cost of such abatement to the city clerk or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, and shall be collected in the same manner and procedure as for collecting real estate taxes.

SECTION FIVE. Violation is an Offense. An owner who fails to remove a nuisance within 7 days of being notified to do so by the notice/abatement order described in Section Two above shall be guilty of an offense and may (at the option of the city) be charged in municipal court with the offense of "failure to abate a nuisance."

THIS ORDINANCE READ TWO TIMES AND ADOPTED ON THE 18 DAY OF August, 1997.

ATTEST:

Lois Jerome  
Lois Jerome, City Clerk

[Signature]

(SEAL)