

**AN ORDINANCE ADOPTING NUISANCE PROVISIONS FOR THE
VILLAGE OF CENTERTOWN, MISSOURI.**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CENTERTOWN,
MISSOURI, AS FOLLOWS:

Section 1: Chapter 3 of the Village Code of the Village of Centertown, Missouri, shall be amended to include the following:

3.00. Definitions

Litter. Litter shall be defined as garbage, trash, junk, refuse, tree limbs, or other putrescible or nonputrescible solid waste.

Nuisance. A nuisance shall be defined as an unlawful act, or omitting to perform a duty, or condition or thing to be or exist, which act, omission, condition or thing either: injures or endangers the comfort, repose, health or safety of others, offends decency, is offensive to the senses, unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage any public or private stream, ditch or drain, in any way renders other persons insecure in life or in use of property or essentially interfere with the comfortable enjoyment of life and property, or tends to depreciate the value of property.

Private property. Private property includes property owned privately and property owned privately that is subject to a public easement, including dedicated street right of way.

Public Premises. A public premise shall be defined as any area open to the general public, either privately or publicly owned.

3.05. Animal Waste.

Those owning or having control over or charge of any animal or animals shall immediately remove all waste excreted by such animals and dispose of said waste properly. This section shall not require removal of waste if the owner of the property upon which the waste is located consents to it remaining on the property. The waste must be removed, however, notwithstanding the property owner's permission if odor from the waste migrates to or is likely to migrate to an adjoining property owner or public property or if the condition poses a health or safety risk or constitutes a nuisance.

3.10. Nuisances enumerated.

The maintaining, using, placing, depositing, leaving or permitting to remain on any public or private property of any conditions or actions as hereby stipulated shall be declared to be or constitute a nuisance; however, this enumeration shall not be deemed conclusive, limiting or restrictive:

1. Any accumulation of stagnant water upon any premise. Stagnant water shall be any accumulation found in an improperly drained pool, pond, or collector that has not been dispersed within five (5) days.
2. Any foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, thoroughfare or premise to the injury or hazard of the public.
3. Any carcass of a dead animal which the owner or keeper thereof permits to remain within the limits of the village for more than twenty four (24) hours after death.
4. Trees, Shrubbery, Bushes, or Vegetation on private property, including easements, shall be trimmed as specified in the following subsections to prevent obstruction of the view and movements of vehicles and pedestrians:
 5. A vertical clearance of at least seven (7) feet above any paved sidewalk, walkway, or public right-of-way used by the public as indicated by a worn path, or a walkway on a public easement. A vertical clearance of at least ten (10) feet beyond the edge of the street and fourteen (14) feet above the center of any traffic lane.
 6. To provide a clear line of sight for at least seventy-five (75) feet on the approach side for all traffic signals or traffic control postings.
 7. To a height of not more than twenty- four (24) inches as to provide a visually clear triangular space at street intersections, determined by a diagonal line connecting two points measuring twenty-five (25) feet equidistant from the intersection or edge of the intersecting streets.
 8. To provide easy and clear visibility, operation, and use of a fire hydrant or other utility or structure.
9. Any dead trees, limbs or shrubs, which are hazardous or injurious to the public.

11. Any obstruction including dirt, mud, snow, ice or filth, caused or permitted on any sidewalk to the danger of the public.
12. Any stones, dirt, garbage, filth, vegetable matter or other articles allowed to remain on or in any street, alley, sidewalk or other public place or on any public premise.
13. Any stable, animal pen, poultry yard or coup permitted to be in such condition as to become offensive, foul, hazardous or injurious to the public.
14. Any cellar, vault, private drain, pool, privy, sewer, cistern or sinkhole upon any premises permitted to become foul, offensive, hazardous, or injurious to the public health.
15. Leghold traps placed outdoors on public or private property for the capture of animals.
16. Any vegetation commonly known as weeds and grasses on private property over twelve (12) inches in height or any vegetation on any property, public or private, that may cause through, direct contact with skin, an irritation or lesion.
17. Any area which is not covered by lawn or vegetation and treated to prevent dust or the blowing and scattering of dust particles into the air. Any altered surface of the ground which would be liable to deposit mud or harmful silt, or create erosion or damage on public property.
18. Any litter allowed to remain longer than one (1) week in or on any occupied private or public property or any open or vacant private property within the village.
19. Any substance, vegetable or mineral, which emits an offensive, noxious, putrid, or unhealthy odor in the village.
20. Any lot or land, public or private, if it has the presence of debris of any kind including, but not limited to those previous enumerated in this ordinance, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material that may endanger the

public safety or any material which is unhealthy or unsafe and declared to be public nuisance.

21. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
22. Any accumulation of mud, dirt, sticky substances, litter or other foreign matter which is deposited from the wheels of a vehicle or truck upon any public or private property and which is not abated at the end of the work day in which the substance was deposited was created.
23. Any load contents, litter or debris which is blown or otherwise deposited upon any public or private property from any vehicle or truck operated within the Village.

State Law Reference - 67.398 RSMo.

3.20. Prohibited

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

3.25. Inspections

Subject to constitutional limitations, authorized agents of the village are hereby authorized to enter into or upon any premise suspect of the existence of any nuisance.

3.30. Notice to abate, hearings, and collections

1. Any nuisance created by a vehicle or truck operated within the Village shall be abated by the end of the working day in which the nuisance was created, unless such nuisance is determined to be an immediate hazard by a representative of the Village. In the case of such an immediate hazard the nuisance shall be abated immediately. If the order to abate is refused or upon failure to comply the Village employee may cause to have the nuisance abated at the expense of the operator of the vehicle. Such expenses will be documented and billed in accordance with other provisions of this section.
2. Whenever a nuisance is found to exist within the village or within the jurisdiction of the village, a representative of the Village shall give seven (7) days notice in writing, delivered in person or by U.S. Mail, to the owner or occupant of the property upon which such nuisance exists or upon the person causing such nuisance to abate the nuisance.

Owners of said property may request a hearing before the Board of Alderman, by contacting the Village Clerk.

3. If at such a hearing, the Board of Alderman determines that such nuisance does exist, the owner of the property shall abate the nuisance within five (5) days.
4. If the nuisance has not been abated within the original notice period, or within five (5) days of the hearing, the Board of Alderman may order the village maintenance department, or such other person or entities contracted to perform such service, to abate the nuisance. A bill will be prepared for the costs, including applicable overhead charges, but in no event shall the costs be less than two hundred (\$200.00) dollars. The costs shall be certified to the Village Clerk to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the official collecting taxes for the Village, in the same manner and procedure as for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and back taxes. The 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.

State Law Reference - 67.398 RSMo.

3.35. Obstructing watercourses

Any person who, in the village, shall place or suffer to be placed in any watercourse or stream of water, the Missouri River excepted, any dirt, stones, rubbish, tin cans, refuse, logs, tree branches or any other object which would fill up the channel or obstruct the free passage of water through any such watercourse or stream of water shall be deemed guilty of a misdemeanor.

State law reference - 77.140.RSMo.

3.40. Changing channel of watercourse

Any person in the village who shall change the natural or legally established channel of any watercourse, without having lawful authority to do so, shall be deemed guilty of a misdemeanor.

3.50. Abandoned wells or cisterns

It shall be unlawful for any person owning real estate property within the corporate limits to abandon or discontinue the use of any well or cistern located on his property, unless such well or cistern is completely sealed with concrete or metal

or some other material of a durable nature which is securely fixed in place over the top of such well or cistern.

3.60. Barbed wire fences, etc

Any person who shall erect or cause to be erected, maintain or cause to be maintained, upon, across, along or adjoining any street of the village, any fence, wall or other obstruction, any part of which is built or composed of barbed wire, and any person who shall stretch or place along the building line of any property adjoining or abutting on any street, alley, avenue or other public thoroughfare any barbed wire, whether used for fencing or for other purposes, shall be deemed guilty of a misdemeanor.

State law reference - 77.510. RSMo.

3.70. Polluting or defiling reservoirs, water tanks, etc.

Any person who shall put or cause to be put any dead animal carcass, or any part thereof, or any offal or other filth into any reservoir, water tank or tower, which is used or intended to be used for the purpose of supplying the inhabitants of the village with water, or who shall in any manner or by any means defile, attempt to defile or cause to be defiled the water contained in any such reservoir, water tank or tower, shall be guilty of a misdemeanor.

State law reference - 577.076. RSMo.

3.75. Polluting or fouling wells, cisterns, etc.

Any person who shall put or cause to be put any dead animal carcass, or any part thereof, or any offal or other filth into any well, cistern, spring, drinking fountain, trough or basin used for drinking purposes, or into any brook or branch within the village, which is or may be used for household or domestic purposes, or the water of which is or may be used by the public for drinking purposes, shall be deemed guilty of a misdemeanor.

State law reference - 577.076. RSMo.

3.80. Use of sound amplifying equipment so as to constitute nuisance

It shall be unlawful for any person to use any sound amplifying equipment, whether for the purpose of advertising any goods, wares or merchandise or for the purpose of announcing any public meeting, for playing music or for any other purpose whatsoever, when the sound produced thereby would constitute a nuisance under any ordinance of the village.

3.90. Penalties

Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined in the sum of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00).

Section 2: This ordinance shall be in full force and effect upon final passage and approval.

FIRST READING HELD: NOVEMBER 16, 2005.

SECOND READING HELD AND FINAL PASSAGE ON THIS 16TH DAY OF NOVEMBER, 2005 BY THE FOLLOWING VOTE:

	<u>Aye</u>	<u>Nay</u>
Jeremy P. Amick	<u>✓</u>	<u>_____</u>
Dennis Boeckman	<u>✓</u>	<u>_____</u>
John Doyle	<u>✓</u>	<u>_____</u>
Doug Heineman	<u>✓</u>	<u>_____</u>
Curtis B. Holzer	<u>✓</u>	<u>_____</u>

Joe P. [Signature]
Chairman, Board to Trustees

Attest:

Dedra Lindenbusch
Dedra Lindenbusch, Village Clerk