

**THE VILLAGE OF OAKWOOD PARK
CLAY COUNTY, MISSOURI**

BILL 2019-2

ORDINANCE NO. 84

AN ORDINANCE REGULATING NUISANCE

WHEREAS, THE BOARD OF THE TRUSTEES OF THE VILLAGE OF OAKWOOD PARK find it necessary to regulate the nuisance within the village limits.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF OAKWOOD PARK AS FOLLOWS:

Section I. That in order to protect the health, welfare, and safety of the residents of the Village of Oakwood Park, Clay County, Missouri, the following provisions are hereby established by the Board of Trustees of the Village of Oakwood Park in order to regulate private and public nuisances already in existence in the Village of Oakwood Park and those which may come into existence in the future of the Village of Oakwood Park, Clay County, Missouri.

Section II. Nothing shall be permitted in the Village of Oakwood Park that may be or becomes a nuisance to the neighborhood, nor shall anything be done or permitted on the property that shall be, or become obnoxious or offensive to the neighborhood, or dangerous to health. A nuisance includes, but is not limited to, the following:

1. The use of any yard, driveway, or garage as an automobile mechanic workshop, for remuneration, or otherwise, on any automobile other than those owned by the residents of the property.
2. The parking of over five (5) motor vehicles on any one residence lot for a period of more than forty-eight (48) consecutive hours. Any motor vehicle that is not properly titled, not properly registered or without current license plates. Any motor vehicle that is not serviceable or inoperable for more than forty-five (45) days.
3. No trucks larger than three-quarter ton, no recreational vehicles or motor homes (both commonly referred to as RVs), no trailers and no boats shall be regularly parked on any premises. This section shall not prohibit the making of bona fide deliveries to premises and it shall not apply to trucks, recreational vehicles, motor homes or boats which are parked within an enclosure or shielded from public view.
4. An attractive nuisance, whether in or on a building, a building premises or an unoccupied lot and whether really, fixture or chattel, which might reasonably be expected to attract children and constitute a danger to them; including, but not limited to, abandoned wells, ice boxes or refrigerators with doors and latches, shafts, basements or other excavations, abandoned or inoperative vehicles or other equipment, structurally unsound fences or other fixtures, lumber, fencing, vegetation or other debris.
5. Any sewage back-up, malfunction, or overflow which causes sewage to be above ground or to emit an obnoxious smell.
6. The allowance of trash, garbage, or debris to be collected and/or built upon one's property so as to cause an eye-sore or so as to cause an obnoxious smell or health hazard.

7. Any excessive noise or disturbance of a continuous nature that disturbs the neighbors, the neighborhood, or passersby.
8. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
9. The willful accumulation upon one's property or easement of an excessive amount of brush, weeds or dead trees.
10. Any pit, basin, hole, or other excavation which is unguarded and dangerous to life, or has been abandoned, or is no longer used for the purpose for which it was constructed, or is maintained contrary to law.
11. Trash cans left out for more than 24 hours.
12. A swimming pool or any other pool of water that is more than 24 inches deep that is not enclosed by a fence at least 42 inches in height with a lockable gate. Said gate which is left unlocked when pool is not in use will constitute a public nuisance
13. Any outdoor storage of items including, but not limited to, tools, equipment, machinery, non-working automobiles, parts of derelict cars or trucks, household appliances and broken furniture that is not enclosed by a fence at least 42 inches in height with a lockable gate. Said gate which is left unlocked when back yard is not occupied will constitute a public nuisance.

Section III. Whenever the Board of Trustees of the Village of Oakwood Park shall ascertain or have any knowledge that a nuisance exists in or upon any house or premises in the Village of Oakwood Park. They shall, in writing, notify the person occupying or having possession of such house or premises to abate or remove such nuisance within a time to be specified in such notice and that unless such nuisance be abated within the time specified thereafter, it may be abated by the Board of Trustees and the costs of such abatement may be specially assessed and constitute a lien against the property from which abated and further, that failure, neglect or refusal of such owner to abate such nuisance within such period renders such owner guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) for each and every day that such violation shall continue.

Specified above shall request in writing to the Board of Trustees that a hearing be conducted for the purpose of contesting the determination of said Board of Trustees that a nuisance exists upon such property or that such property is that of the alleged owner, said Board of Trustees shall conduct such a hearing as soon as practicable, but not earlier than five (5) days after notification of such alleged owner by certified or registered mail

Section IV. Any person notified as provided in Section III who shall fail, neglect or refuse to comply with the same within such time, shall be deemed guilty of a misdemeanor, or for every day thereafter that such person shall fail, neglect, or refuse to comply with the same, and for every day thereafter that such person shall fail, neglect or refuse to abate or remove such nuisance, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

Section V. Whenever the Board of Trustees of the Village of Oakwood Park shall ascertain that a nuisance dangerous to the public health, welfare, safety, or morals exists in and upon any house, building, lot or premises in the Village of Oakwood Park, they may, in the case of failure, neglect or refusal to comply with the notice provided in Section III, enter in or upon such house, building, lot or premises and remove and abate such nuisance and shall charge the cost thereof to the owners or lessees in control. The cost of the removing and abating any such nuisance may be assessed and collected as a lien on the property affected thereby. As soon as the cost of removal and abatement of any such nuisance shall be determined by the Board of Trustees of the Village of Oakwood Park, they shall notify the owners, lessees or agents by certified mail or by the posting of such notice on the premises of the cost. If after thirty (30) days from the mailing or posting the cost is unpaid, the Board of Trustees shall certify assessments and apportionments covering the cost.

Section VI. Any such person, who having been served with the notice outlined in Section III, fails to comply with said notice within ten (10) days after said service or who shall continue to violate any provision of the regulations made under authority of this Ordinance in the respect named in such notice shall also be subject to a civil penalty of One Hundred Dollars (\$100.00).

Section VII. Section VIII. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section IX. All orders or parts of orders in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.
Passed, signed and made effective by the Board of Trustees of the Village of Oakwood Park, Missouri, this nineteenth day of March, 2019.

Passed this ___ day of _____, 2019

Michelle Williamson
Chairman, Board of Trustees
ATTEST:

Laurie Draughon Village Clerk

Approved on this ___ day of _____, 2019