

AN ORDINANCE ESTABLISHING OFFENSES THAT SHALL BE DEEMED PUBLIC NUISANCES.

WHEREAS, Section 67.398 of the Missouri Revised Statutes authorizes municipalities to abate public nuisances located on private property; and

WHEREAS, it is in the best interest of the village of Innsbrook to take advantage of the provisions of said law to provide for a simplified and easy way to deal with public nuisances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF INNSBROOK, AS FOLLOWS:

SECTION 1: The Board of Trustees of the Village of Innsbrook hereby establishes an ordinance for offenses affecting public nuisances which shall read as follows:

ARTICLE I. OFFENSES CONCERNING PUBLIC NUISANCE

A) PUBLIC NUISANCE DEFINED.

- a) Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace, dock wharf or landing dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of its condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the Village, in any one or more of the following particulars:
 - 1) by reason of being a menace, threat and/or hazard to the general health and safety of the community;
 - 2) by reason of being a fire hazard;
 - 3) by reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property;
 - 4) 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;
- b) The following acts, in addition to any others in violation of (a) above are determined by the Board of Trustees as noisome, offensive, unwholesome, or dangerous to the public's health, welfare and/or safety and shall constitute a public nuisance:

- 1) putrid, offensive, or unhealthy substances, including but not limited to stagnant water, allowed to accumulate or remain on private property;
- 2) garbage, trash, waste, junk or debris allowed to accumulate or remain on private property;
- 3) vacant, unused or unoccupied buildings and structures within the Village, which are allowed to become or remain open to entrance by unauthorized persons or the general public, because of broke, missing, or open doors, windows, or other openings, so that the same may be used by vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants of the Village;
- 4) dangerous buildings, mobile homes, or other structures unfit or unsafe for human occupation;
- 5) any refrigerator, icebox or deep freeze locker having a capacity of one and one-half cubic feet or more or any other container manufactured, custom-made or homemade designed for storage which is stored, discarded, abandoned or left in any place accessible to children and which has not had the door or latching mechanism removed to prevent the latching or locking of the door;
- 6) any cars, trucks or other vehicles, except such vehicles that are regularly driven on public or private roads or off road, which are stored, discarded, disabled, left or abandoned in an area which is visible from any private or public street, roadway or thoroughfare or which blocks or otherwise interferes with the use of any private or public street, roadway or thoroughfare or ingress or egress to and from private or public property or structures thereon.
- 7) an animal pen or enclosure kept in an unsanitary or unclean condition;
- 8) any condition that alters the natural flow of water creating a dangerous condition on public or private property;
- 9) any pit, basin, hole, or other excavation which is unguarded and dangerous to life, or has been abandons, or is no longer used for the purpose for which it was constructed, or is maintained contrary to law.

B) SUMMARY ABATEMENT OF NUISANCES

- a) **Procedure.** Whenever a complaint is filed with the Village Administration of the existence of a public nuisance, Village Administration shall verify that the alleged nuisance exists. A written report of the alleged violation shall be submitted along with photographs to the Village Attorney. Enforcement shall commence by providing notice to the owner of the property of the public nuisance existing on his/her/its property. The notice shall be delivered by regular or certified mail or by personal delivery. If sent by regular mail, there will be a refutable presumption that the letter was delivered 5 days after the date it was sent. The

notice shall specifically 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 ten days from the receipt of the notice, abate the nuisance.

- b) If, after proper notice is served, the alleged nuisance is not satisfactorily resolved the Village Attorney shall proceed with filing said complaint with the Innsbrook Municipal Court.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval by the Chairman.

This Bill was passed and approved this 13th day of March, 2012, by the Board of Trustees of the Village of Innsbrook after having been read by title or in full two times prior to passage.

Jeffry S. Thomsen

Jeffry S. Thomsen, Chairman
Village of Innsbrook Board of Trustees

ATTEST:

Chris McCormick

Chris McCormick, Administrator/Clerk