Chapter 54 ENVIRONMENT[1]

ARTICLE I. IN GENERAL

Secs. 54-1—54-30. Reserved.

ARTICLE II. NUISANCES[2]

DIVISION 1. GENERALLY

Sec. 54-31. Authority of director of public health and welfare.

Nothing in this article shall be so construed as to interfere with the duties and powers of the director of public health and welfare in the condemnation and abatement of all matters defined by law as nuisances.

(Code 1977, § 25-1)

Sec. 54-32. Nuisances prohibited.

No person shall permit, cause, keep, maintain or do any nuisance or contribute to any nuisance as defined by the laws of this state, the provisions of this Code or the ordinances of the city, or cause or permit to be committed, caused, kept, maintained or done or contribute to the committing, causing, keeping or maintaining of any such nuisance within the corporate limits of the city or within one mile of the corporate limits of the city.

(Code 1977, § 25-2)

Sec. 54-33. Common law and statutory nuisances.

In all cases where no provisions are made in this article defining what are nuisances and how the nuisances may be removed, abated or prevented, in addition to what may be declared such in this article, those offenses which are known to the common law of the land and the statutes of the state as nuisances may, in case such

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[1]Cross reference(s)—Advertising noise, § 6-7; animals, ch. 18; buildings and building regulations, ch. 26; dangerous buildings, § 26-611 et seq.; floodplain management, § 26-651 et seq.; businesses, ch. 30; health and sanitation, ch. 62; manufactured homes and trailers, ch. 78; parks and recreation, ch. 86; planning, ch. 94; solid waste, ch. 102; streets, sidewalks and other public places, ch. 106; utilities, ch. 118; vegetation, ch. 122.

[2]Charter reference(s)—Authority to define and abate nuisances, § 2.15(23); authority to declare improper signboards, etc., to be nuisances, § 2.15(31); authority to enforce health measures in the city and within four miles thereof, § 2.15(32); authority to compel owners, etc., to correct conditions on property, § 2.15(53).

State law reference(s)—Expense of suppression of nuisances paid, RSMo 71.780.

offenses exist within the city limits, be treated as such, and proceeded against as provided in this Code, or in accordance with any other provision of law.

(Code 1977, § 25-3)

Sec. 54-34. Definition.

For the purposes of this article, the word "nuisance" is defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(1) Injures or endangers the comfort, repose, health or safety of others;

(2) Offends decency;

(3) Is offensive to the senses;

(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Code 1977, § 25-4)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 54-35. Enumeration.

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

(1) *Substances emitting foul odors.* All substances which emit or cause any foul, noxious, unhealthful or disagreeable odor or effluvia.

(2) *Carcasses.* All carcasses of animals remaining exposed after death, except such animals as are killed for use as food.

(3) *Establishments emitting noxious odors.* Every soap factory, grocery, cellar shop, tannery, brewery, distillery, meat shop, sausage factory, beef or pork packing house, stable or barn which emits or causes any offensive, disagreeable or noxious smell or odor.

(4) *Foul liquids generally.* All slop, foul or dirty water, liquor, beer or saloon washings, and all filth, refuse or offal discharged through drains or spouts or otherwise thrown, swept or deposited in or upon any street, avenue, sidewalk, alley, lot, park, or public or private enclosure.

(5) *Hides.* All green or salted hides left or exposed in any open place for a longer period than six hours.

(6) *Odiferous matter.* All vegetables or other articles that emit or cause any offensive or disagreeable smell or odor.

(7) *Injurious or annoying articles.* All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience or annoyance of the public or of any neighborhood.

(8) *Signs or other devices hanging over street or sidewalk.* All hanging signs, ropes, networks or other devices stretched over or across any street, avenue, alley or sidewalk, unless such devices are permitted by ordinance.

(9) *Refuse, garbage and ashes generally.* All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings, oyster shells, cans, dust, paper, trash, rubbish, manure, refuse and offal, wastewater, chamber lye, fish, putrid meat, entrails, decayed fruit and vegetables, broken ware, rags, old iron or other metal, or old wearing apparel, all animal or vegetable matter, all dead animals, or any other offensive or disagreeable substance or thing thrown, left or deposited or caused to be thrown, left or deposited by anyone in or upon any street, avenue, alley, sidewalk, park, public or private enclosure, or lot, vacant or occupied, or pond or pool of water.

(10) *Accumulations of refuse.* The accumulation on any lot or piece of ground in the city of any refuse matter in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.

(11) *Burning materials creating noxious odor.* The burning within the city limits of any animal, vegetable or other substance, the burning of which creates or generates any disagreeable, noxious or unwholesome smell or odor.

(12) *Obstructing watercourse.* The placing or maintaining of any obstruction of any kind in any natural or living watercourse of the city so as to impede the natural flow of water therein.

(13) *Polluting water supply.* The doing of any act which shall tend to pollute or contaminate the water supply of the city.

(14) *Unwholesome or offensive standing water.* Any lot or piece of ground within the limits of the city on which there is a pond or pool of unwholesome, stagnant, impure or offensive water.

(15) *Wells containing impure water.* Any well or cistern on any property within the limits of the city, whenever a chemical analysis shows that the water therein is of an impure or unwholesome nature.

(16) *Airborne matter.* Sieving, agitating, handling or exposing lime, ashes, coal, dry sand, hair, feathers, dust or other substances liable to be blown by the wind to the injury, annoyance or inconvenience of the public or of any neighborhood.

(17) *Premises not connected with sewer.* Any improved real estate abutting upon or adjoining any sanitary sewer system but which is not connected to such sewer system.

(18) *Open storage of furniture or appliances.* All furniture, bedding, refrigerators, freezers, heating stoves, kitchen ranges, laundry and dishwashing equipment, air conditioning units, or any other such appliances, articles or equipment designed for use inside a dwelling unit if stored, placed or set upon the ground, on any open porch, in any attached carport, in any freestanding carport, or in any garage or shed that is without doors to conceal such articles.

(19) *Unsanitary buildings.* Any building or part thereof which, by reason of its unsanitary condition or of its being infected with disease, is unfit for human habitation, or which from any other cause is a source of sickness among the inhabitants of the city, or which otherwise endangers the public health.

(20) *Abandoned objects or equipment.* Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

(21) *Abandoned shafts or excavations.* Any open abandoned shaft or excavation.

(22) *Nonoperating vehicles.* Any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle remaining upon any public or private premises within the city not in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.

(23) *Offensive garbage, rubbish or trash.* The accumulation on any lot or piece of ground in the city of any garbage, rubbish or trash in such a manner as to be offensive or be injurious to the health of any person or of the neighborhood.

(24) *Dumping of rubbish, garbage or trash.* Placing, leaving, dumping or permitting to accumulate any rubbish, garbage or trash in any building or on any premises, improved or vacant, or on any open lot, alley or public right-of-way in the city.

(Code 1977, § 25-5)

Sec. 54-36. Notice to abate.

Whenever the director of health shall ascertain or have knowledge that a nuisance exists in or upon any house, building, lot or premises within the city or within one mile of the corporate limits of the city, he shall, in writing, notify the owner or person occupying or having possession and control of such house, building, lot or premises to abate or remove such nuisance within a time to be specified in such notice; provided, however, that when the owner of the property is a nonresident of the city and no person occupies, possesses or controls such building, lot or premises, no notice need be served on such owner if the council shall first find and declare that the abatement of such nuisance is required for the protection and preservation of the public health, safety and welfare and that an emergency exists for the abatement of such nuisance.

(Code 1977, § 25-6)

Sec. 54-37. Failure to comply with notice.

Any person who shall be notified to abate a nuisance, and who shall fail, neglect or refuse to obey and comply with the provisions of such notice within the time therein specified, shall be deemed guilty of a misdemeanor.

(Code 1977, § 25-7)

Sec. 54-38. Right of entry for abatement purposes.

Members of the police force and the officers of the department of public health and welfare of the city are hereby authorized and required to go in the daytime in and upon any house, building, lot or premises, public or private, for the purpose of removing or abating any nuisance thereon.

(Code 1977, § 25-8)

Sec. 54-39. Abatement by city.

If the owner or person occupying or having possession and control of any premises upon which a nuisance exists in violation of this division does not abate the nuisance within the time stated in the notice to abate such nuisance, the city may enter upon such premises and abate such nuisance. The costs and expenses of such abatement by the city shall, like taxes, be a first lien on the property affected thereby until paid.

(Code 1977, § 25-9)

Sec. 54-40. Legal action by private persons.

Any person who, by reason of another's violation of any provision of this article, suffers special damage to himself different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation.

(Code 1977, § 25-10)

Sec. 54-41. Summary abatement.

Whenever a nuisance clearly exists in the city, the continuance of which, in the judgment of the director of public health and welfare, will be dangerous to public health, the director may declare such condition to be such a nuisance and dangerous in its continuance, and enter such declaration in the records of his office, and shall then immediately abate such nuisance, without notice.

(Code 1977, § 25-11)

Secs. 54-42—54-60. Reserved.

DIVISION 2. WEEDS[3]

Sec. 54-61. Declaration of nuisance.

The presence of weeds, brush and other rank vegetation of a height of more than 12 inches allowed to grow and stand upon any lot or tract of ground, including any right-of-way that might be adjacent thereto, within the city limits is hereby deemed and declared to be a nuisance and in violation of this division, and shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Code 1977, § 25-21)

Sec. 54-62. Duty to cut weeds.

The owners or occupants of lots or tracts of land, including any right-of-way that might be adjacent thereto, are hereby required to keep high weeds, brush and other rank vegetation cut to a height of 12 inches or less, and any owner or occupant of the lot or tract of land failing to do so shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Code 1977, § 25-22)

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[3]Charter reference(s)—Authority to compel owners, etc., to remove weeds, abatement by city after notice, § 2.15(53).

Cross reference(s)—Vegetation generally, ch. 122.

Sec. 54-63. Abatement by city.

(a) *Notice not required.* If the owner or occupant of property fails to comply with section 54-62, the city shall not be required to give any notice to the owner of such violation of section 54-62, and the city may enter upon the lots and cut and remove the weeds, brush and other rank vegetation, and the cost of the cutting or removal of the weeds, brush and other rank vegetation shall be charged as a special lien against the lots and tracts of land and a special tax bill will be issued.

(b) *Work may be done by city or private contractor.* If weeds, brush and rank vegetation have not been cut or removed from the premises, the director of public works may cause the weeds, brush and rank vegetation to be cut and removed by employees of his department on a cost basis, or, in the alternative, may request bids from private individuals either on the basis of individual lots or on a square-foot basis for a period of time not to exceed one year covering present and future weeds, brush and high rank vegetation removal during the period of the contract. The cost of cutting or removal of the weeds, brush and rank vegetation shall be charged as a special lien against the lots and tracts of land and a special tax bill will be issued therefor.

(c) *Determination of costs; payment to contractors.* Following the cutting and removal of vegetation referred to in this section, the city shall ascertain the cost against each lot or tract of ground, and if the services have been performed by an individual or independent contractor, payment shall be made to him from General Fund Account No. 32-317.

(d) *Payment of costs; costs declared lien; special tax bill.*

(1) The cost of cutting and removing weeds, brush and other rank vegetation, and the abatement of the nuisances caused thereby, may be assessed and collected as a lien on the property affected thereby. As soon as the costs of the cutting and removal of weeds and rank vegetation and the abatement of the nuisance caused thereby shall be determined, the city shall notify, by letter deposited in the United States mail, the owners, lessees or agents in control of the property of the cost. If after 30 days after the mailing of the notices the costs of cutting and removing the weeds, brush and rank vegetation and the abatement of the nuisance caused thereby is not paid, the city shall assess and charge against the tracts of land from which the weeds, brush and rank vegetation have been cut or removed the cost of the cutting or removal, which assessment shall be a lien on the property charged from the date of the issuance of a special tax bill, which shall bear interest at the rate of seven percent per annum until paid. Within 30 days after the issuance of the tax bill, the director of finance shall record the tax bill in the special tax record, showing the property assessed, the date of issuance and the rate of interest thereon.

(2) Immediately upon receipt of such special tax bill, the director of finance shall give notice, by mail or otherwise, as may be provided by ordinance, to the parties named in such tax bill, of the issuance of the tax bill against the tracts of land in which they appear to be respectively interested as appears by such assessment, describing such tracts of land and stating in general terms for what purpose such tax bills were issued, and the amount, rate of interest and when and where payable. Such assessment, when collected by the director of finance, shall be credited to the general fund.

(Code 1977, §§ 25-23—25-26; Ord. No. 2013-260, §§ 1, 2, 11-18-13)

Secs. 54-64—54-80. Reserved.

DIVISION 3. FENCES

Sec. 54-81. Permitted fences; construction standards.

It shall be unlawful for any person to erect or maintain any fence or other like structure except as follows:

(1) Privacy fences may be erected on any lot, except as provided in section 54-83, and shall be no more than eight feet high and shall not be located closer to the front property line than the nearest portion of the rear of the building.

(2) Decorative fences may be erected on any lot, except as provided in section 54-83, and shall be no more than four feet high and be of open construction.

(3) Security fences may be erected on any business or industrial lot to a height of not more than 12 feet. The top four feet must be of open wire, woven wire or barbed wire construction.

(4) Open wire fences for the enclosure of private tennis courts may be constructed to a height of no more than 12 feet, but must be set back from all property lines at least six feet. Such fences may be of any material, except as provided in section 54-83. The top four feet must be of open wire or woven wire construction.

(5) Materials for construction of a privacy fence must be wood, except that posts may be made of metal. Maximum board width is 12 inches for solid, staggered or basket weave fences. Solid panels such as plywood, wafer board, etc., will not be allowed, except around construction sites for public safety, and such fences must be removed when the construction project is completed.

(6) Materials for construction of a decorative fence may be wood, woven wire, chain link, wrought iron, square tubing or metal pipe. A decorative fence must be of open construction, and no panels such as plywood, wafer board, etc., will be allowed, except as provided in section 54-83.

(7) All framework of a wood fence, whether a privacy fence or a decorative fence, must be on the inside portion of the fence, and all posts of a wire fence must be inside of the fabric. All posts (except metal "T" line posts) must be set in concrete to a minimum depth of 18 inches and shall be a minimum of four inches by four inches. Metal "T" posts may be driven.

(Code 1977, § 25-27)

Sec. 54-82. Maintenance.

No person shall permit, cause, keep, maintain or allow a fence within the corporate limits of the city in a dilapidated or dangerous condition.

(Code 1977, § 25-28)

Sec. 54-83. Barbed wire fences, electrified fences and other dangerous fences.

Any person who shall place or permit to be placed or remain on or along any railroad or building front or any part of a building, fence or premises adjacent or contiguous to any right-of-way or public way or residence any spikes or sharp-pointed cresting, or any barbed wire or other things, except as permitted in section 54-81(3), or electrified fence, dangerous or liable to tear, snag, cut or injure anyone coming in contact therewith, shall be deemed guilty of a misdemeanor.

(Code 1977, § 25-29)

Sec. 54-84. Violations declared nuisance.

All fences or other like structures erected or maintained in violation of this division are hereby deemed and declared to be a nuisance, and any owner or occupant of a lot or tract of land upon which such nuisance exists shall be deemed guilty of a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(Code 1977, § 25-30)