

Chapter 215

NUISANCES

ARTICLE I General Provisions

Section 215.005. Definitions. [Ord. No. 225 §§ 73.090, 73.130, 8-6-2014]

The following words, when used in this Chapter, shall have the meanings set out herein:

DAMAGED OR DISABLED VEHICLE — Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable on public property for more than forty-eight (48) hours, or on any real property for more than seven (7) days, or in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile sales business or in a duly licensed automobile junking yard, and further excepting vehicles on the premises of a duly licensed automobile repair business unless such vehicles have been inoperable or in such a state of repair as to be inoperable for a period exceeding ninety (90) consecutive days.

GARBAGE — The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

JUNK — Any metal, glass, paper, rags, wood, machinery parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

PERSON — Any person, firm, partnership, association, corporation, or other organization of any kind.

PROPERTY — Any land owned by the City or located within the City limits, not including streets and highways.

RUBBISH — Combustible and noncombustible waste material, including paper, rags, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, bricks, lumber, concrete, glass, crockery, and/or similar materials, and including the residue from the burning of wood, coal or other combustible material.

STREET or HIGHWAY — The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLES — For purposes of this Article, the term "vehicle" shall include, but is not limited to, the following: automobiles, motorcycles, all off-road vehicles, trailers, recreational motor vehicles, camping trailers, motor trucks, construction vehicles, motorboats, houseboats, or other similar waterborne vehicles, and any vehicle defined as a motor vehicle under Section 301.010, RSMo.

Section 215.010. Nuisances Affecting Health.

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
6. Garbage cans which are not flytight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semipublic places where not properly sanitized after use.
10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Center.
11. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Center and the Statutes of the State of Missouri.

15. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfering with the proper operation of the system or which will pollute the natural creeks or waterways.
 16. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Center.
- B. **Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.** It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Center or within one-half (1/2) mile of the corporate limits of the City of Center, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained as a separate offense.
- C. **Authority To Abate Emergency Cases.** In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.
- D. **Abatement — Procedure Generally.** Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. Whenever the Chief of Police or his/her duly authorized representative determines that there exists any nuisance as defined herein, he/she shall cause written notice to be served upon the owner of the property, vehicle or junk, if he/she can be located, or the person in custody of such property, vehicle or junk, by registered mail or by personal service. The notice shall state that the property, vehicle or junk is deemed to be a nuisance within the provisions of this Chapter, and shall briefly state facts deemed to constitute such property, vehicle or junk a nuisance within the terms of this Chapter, and state that the nuisance must be abated within seven (7) days from receipt of such notice, or, if the nuisance is on public property, within two (2) days from receipt of such notice. [Ord. No. 225 § 73.160, 8-6-2014]
 2. When the owner or custodian of any nuisance as defined in this Chapter cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance must be abated within seven (7) days of the date the notice was posted or, if the nuisance is on public property, within two (2) days of the date notice was posted. [Ord. No. 225 § 73.170, 8-6-2014]
 3. Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful. [Ord. No. 225 § 73.180, 8-6-2014]

4. The Chief of Police or his/her duly authorized representative shall have authority hereunder to enter upon any private property for inspection or for the purpose of determining whether or not the owner or occupant of said property has abated or suppressed said nuisance. [Ord. No. 225 § 73.190, 8-6-2014]
5. If the order has not been obeyed within the time period set by the Board of Aldermen, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board of Aldermen, and the cost of same, if ordered by the Board of Aldermen, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
6. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
7. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

Section 215.020. Public Nuisances. [Ord. No. 225 § 73.100, 8-6-2014]

- A. It shall be unlawful for any owner or occupant within the City of Center to maintain any property in such a manner that any of the following conditions should exist:
 1. The causing or permitting of foul or offensive odors;
 2. The permitting of any premises that has unsanitary sewerage or plumbing facilities that may include the use of outdoor privies, septic tanks and cesspools that are in poor working order, emit foul odors, or are in offensive condition;
 3. The permitting of conditions to exist which shall become a harbor or breeding place for varmints, rats, snakes, flies, mosquitoes, or other insects or vermin;
 4. The permitting of any condition to exist which shall constitute, become or be a fire hazard, or is manifestly unsafe, or insecure, so as to endanger life, limb, or property;
 5. The permitting of any condition to exist or remain which shall detract from the value or usefulness of the property of the neighborhood;
 6. The permitting of noxious weeds to grow and remain uncut; the permitting of stagnant water, animal manure, garbage, offal, excrement, fecal matter, dead animals, dead fowls and poultry or other offensive matter or substance to accumulate or remain;¹
 7. The permitting of dog pens, rabbit hutches, or other stables to become and remain in a filthy and offensive condition;

1. Editor's Note: See also Section 215.010 and Art. II, Weeds, High Grass Or Other Vegetation, of this Chapter for similar restrictions.

8. The permitting of old wells and cisterns to be or remain uncovered or the tops or covers thereof to become and remain in a rotten and dangerous condition;
9. The permitting of any other condition or conduct which is obnoxious or hazardous to the health of the inhabitants of said City or any portion thereof;
10. Any structure that is in a state of dilapidation or decay, faulty construction, overcrowded, open, vacant, or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure; and dangerous to anyone on or near the premises;²
11. Any premises that is designated as unsafe for human habitation;³
12. Any premises from which the plumbing, heating or other necessary utility has been disconnected, destroyed, removed or rendered ineffective.

Section 215.030. Rubbish And Garbage. [Ord. No. 225 § 73.110, 8-6-2014]

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner.

Section 215.040. Other Nuisances. [Ord. No. 225 § 73.120, 8-6-2014]

The enumeration of certain things and conditions herein to be nuisances per se and subject to the penalty listed herein shall not exclude or preclude other things or conditions that may arise or exist from time to time from becoming or being nuisances and subject to the penalty listed herein if such thing or condition shall become or be obnoxious or hazardous to the health or morals of the inhabitants of said City or any portion thereof.

Section 215.050. Damaged Or Disabled Vehicles Or Junk — Prohibited Use. [Ord. No. 225 § 73.140, 8-6-2014]

- A. Any vehicle or parts thereof, self-powered or non-self-powered, found upon any lot within the City limits in a damaged/disabled, dismantled, dilapidated, wrecked, abandoned or non-operative condition; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for forty-eight (48) hours shall be considered a public nuisance, detrimental to the health and safety of the public.
- B. All vehicles, as defined by this Chapter, must at all times be maintained in such a way as to be readily moved at any time, whether under their own power or, in the case of any vehicles not having their own mode of power, as towed vehicles and must be licensed as required by the State of Missouri.
- C. Any junk located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin, shall be

2. Editor's Note: See also Ch. 505, Dangerous Buildings, of this Code.

3. Editor's Note: See also Ch. 505, Dangerous Buildings, of this Code.

considered a public nuisance, detrimental to the health and safety of the public.

Section 215.060. Unlawful To Maintain Such Nuisance. [Ord. No. 225 § 73.160, 8-6-2014]

It shall be unlawful for any person to create or maintain a nuisance as defined in this Chapter.

Section 215.070. Penalty. [Ord. No. 225 § 73.200, 8-6-2014]

Any person violating the provisions of this Chapter shall be subject to a fine of not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00). Each day of violation shall be deemed a separate offense.

Section 215.080. through Section 215.110. (Reserved)

ARTICLE II
Weeds, High Grass Or Other Vegetation

Section 215.120. Weeds, High Grass Or Other Vegetation.

- A. Failure To Keep Weeds, High Grass And Other Vegetation Cut And Removed, A Nuisance. All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of eight (8) inches, it shall be deemed a public nuisance.
- B. Unlawful To Maintain Such Nuisance. It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. Liability. Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the City, the owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- D. Notice. The Chief of Police or other designated City Official shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the Chief of Police or other designated City Official may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.
- E. Disposition. In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Chief of Police or other designated City Official shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.
- F. Tax Bill. The City Clerk 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, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing 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.

- G. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this Section more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the Chief of Police or Building Inspector may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in this Section. This Subsection does not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

Section 215.130. Debris On Property — Effect Of Failure To Remove Nuisance — Penalties.

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind, including, but not limited to, weed cuttings, cut and fallen or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.
- B. When a public nuisance as described above exists, the Chief of Police or Building Inspector shall provide for service to the owner of the property and, if the property is not owner-occupied, to any occupant of the property a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten (10) days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same.
- C. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the Chief of Police or Building Inspector may cause the condition which constitutes the nuisance to be removed or abated. If the Chief of Police or Building Inspector causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the City Clerk or 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, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing 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 from the date the tax bill is delinquent until paid.

Maintenance Of Trees And Vegetation

Section 215.140. Property Owner Maintenance And Responsibility And Duty To Public. [Ord. No. 217 § 1, 11-6-2013]

- A. The owner of a lot abutting or fronting on or adjacent to any portion of a street or alley shall ensure the maintenance of any turf, trees, shrubs, hedges, fences or other landscaping along said street to the centerline of the alley or within the street right-of-way adjacent to his or her property in such condition so that the turf, trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of streets, alleys, trails, paths, sidewalks and parking lots.
- B. For the purpose of this Section, maintenance of turf, trees, shrubs, hedges and other landscaping includes, but is not limited to, the following: mowing, clearance and structural trimming, and removal of hazard trees, low branches, dead branches, decayed branches, broken branches, leaves and other debris.
- C. Property owners required by this Article to maintain turf, trees, shrubs, hedges, fences and other landscaping shall owe a duty to members of the public using public streets, trails, paths, sidewalks and parking lots to maintain such trees, shrubs, hedges or other landscaping in a safe and non-dangerous condition. If any property owner fails to maintain any adjacent turf, trees, shrubs, hedges or other landscaping in a non-dangerous condition as required by this Article and any person suffers damage or injury to person or property, the property owner or person in possession shall be liable for all damages or injuries proximately caused by the failure of the owner or person in possession to maintain these areas.

Section 215.150. Vegetation Obstructing Public Ways. [Ord. No. 217 § 2, 11-6-2013]

- A. The owner of every lot or parcel of land upon which any turf, trees, shrubs or other vegetation is growing adjacent to any street, sidewalk, trail, alley or public parking area shall mow and/or trim the same or cause the same to be mowed or trimmed whenever it grows upon the property of the owner or in any lot or parcel of land lying between the owner's property and the pavement, traveled roadway or alley so that the vegetation shall not obstruct the passage of light from any public light located in any street, alley or public highway to the adjacent street, path or sidewalk, and so that the vegetation shall not obstruct the free and convenient travel over and along the sidewalk, path, street or alley, and the owner shall keep removed from the vegetation all dead, decayed or broken branches that overhang any such area and remove any dead trees. For sidewalks, vegetation shall be trimmed to provide clearance of at least eight (8) feet above a sidewalk or path. For streets and alleys, vegetation shall be trimmed to provide a clearance of at least fifteen (15) feet above a street or alley.
- B. Turf shall be maintained at a height no more than ten (10) inches.

Section 215.160. Removal Of Dead Trees And Shrubs. [Ord. No. 217 § 3, 11-6-2013]

The owner of every lot or parcel of land upon which any trees, shrubs or plants are growing adjacent to any street, sidewalk, trail, alley or public parking area shall keep removed from such

areas trees, shrubs or plants which are dead or determined to be detrimental to public welfare. When any such trees are determined to be in such condition, the property owner shall remove the same. If the landowner fails to correct the complained of condition within seven (7) days, then the City shall go on the property or hire someone to go on the property and take whatever steps may be necessary to correct the condition, including the mowing of the tall and unsightly grass, weeds or other vegetation, clearing of litter, brush, etc.

Section 215.170. Obstruction On Private Property Effecting Roadway Sight Angle. [Ord. No. 217 § 4, 11-6-2013]

No owner of any premises abutting upon a street, alley or sidewalk shall permit the existence of any hedge, shrub, tree, vines, landscaping, mound of earth, fence, boulders or other items which would obstruct the view of any vehicle traveling upon a street or through an alley, or which would obstruct a sidewalk or street or other public grounds. Upon notification of such obstructed view by the City of Center, the property owner shall correct the obstructed view by whatever means necessary.

Section 215.180. Enforcement And Abatement. [Ord. No. 217 § 5, 11-6-2013]

- A. Upon violation of this Article, at least ten (10) days' notice shall be given to the owner of the property by certified mail or by personal delivery by a Police Officer employed by the City of Center. This notice shall order the property owner to correct the violation as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of the notice, the work shall be done by the City and the cost for same shall become a lien against the property. If the property owner cannot be notified by certified mailing or by personal delivery by a Police Officer employed by the City of Center, notice may be given by posting a copy of the notice on the property or by publication one time not less than ten (10) days prior to any action by the City of Center.
- B. Any repeat violations on the same property occurring within six (6) months after the correction of the violation on the property pursuant to such notice may be summarily abated by the City of Center. The costs of such abatement will be assessed against the owner. A lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.
- C. If payment is not made within thirty (30) days from the date of the mailing of the statement from the City of Center, the cost for same shall become a lien against the property.