

Chapter 220
NUISANCES

ARTICLE I
General Provisions

Section 220.010. Definitions Generally. [R.O. 2011 §8.24.010; Code 1950 §603.14; Prior Code §22-1; Ord. No. 6901 §1, 12-10-2012]

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

FILTHY ASH HEAPS — Includes cinders, coal and everything that usually remains after fires that has been mixed with garbage or filth of any kind.

GARBAGE — Includes every accumulation of both animal and vegetable matter, liquid or otherwise, that is received from kitchens, and also all putrid and unsound meat, beef, pork and fish, and decayed or unsound vegetables or fruits.

OWNER — Means:

1. The person or entity whose name is listed as the owner of premises on the last deed recorded at the St. Louis County Recorder of Deeds Office and on the last tax records maintained at the St. Louis County Assessor's and Collector's Office, and
2. When necessary and appropriate, any person in the care, custody, or control of premises, including any tenant, occupant, or transient user thereof, and any agent, servant, or abettor of such person.

PREMISES — Any parcel of real property, any building or structure located on real property, any personal property, such as a car, trailer, camper, etc., and any portion of the public way that abuts or supports such premises when it is used in conjunction therewith for the commission of nuisance activity.

RUBBISH — Includes all loose and decayed material and dirt-like substances that attend use or decay, or which accumulate from building, storing or cleaning.

TENEMENT HOUSE — Includes every house, building or portion thereof which is rented, leased or hired out to be occupied as the home or residence of more than two (2) families living independent of one another.

Section 220.020. "Nuisance" Defined. [R.O. 2011 §8.24.020; Code 1950 §603.1; Prior Code §22-2; Ord. No. 6901 §1, 12-10-2012]

"Nuisance" means a continuing or recurring act or physical condition which is made, permitted, or allowed by any owner on any premises or public property which is injurious or detrimental to the health, safety, welfare, or convenience of the inhabitants of University City, or any act or condition so designated by Statute or ordinance.

Section 220.030. Right of Entry For Inspection — Report of Nuisances. [R.O. 2011 §8.24.030; Code 1950 §603.2; Prior Code §22-3; Ord. No. 5529 §1, 4-21-1986]

The Chief of Police, the Director of Public Works and Parks, the Building Commissioner and any officer, agent or employee appointed by any of them are authorized to enter and inspect all buildings and parts of buildings and other premises, at reasonable hours, for the purpose of examining the sanitary condition thereof and for the discovery and abatement of nuisances therein. If on such inspection any nuisance or insanitary condition be found, the same shall be forthwith reported to the City Manager.

Section 220.040. Authority and Duty of Chief of Police, Director of Public Works and Parks, and Building Commissioner Generally. [R.O. 2011 §8.24.040; Code 1950 §603.28; Prior Code §22-4; Ord. No. 5529 §1, 4-21-1986]

It shall be the duty of the Chief of Police to serve all notices issued by the City Manager, to execute all orders directed to him/her under the provisions of this Chapter, and to perform such other duties as may be required for the adequate enforcement of the provisions of this Chapter. The Director of Public Works and Parks, the Building Commissioner, the Chief of Police, and any officer, agent or employee appointed by any of them are authorized to enter, at reasonable hours, and examine all cellars, vaults, outhouses, yards and enclosures in tenements within the City when they have reason to believe that a nuisance exists, or filth is suffered to accumulate, or water is found standing in any cellar or basement under any building, and to direct the owner or occupant of the premises forthwith to remove or abate the same.

Section 220.050. Authority of City Manager To Destroy Decayed or Dangerous Articles. [R.O. 2011 §8.24.050; Code 1950 §603.3; Prior Code §22-5; Ord. No. 5529 §1, 4-21-1986]

Whenever any household goods, bedding, clothing, putrid or unsound meat, fish, vegetables, fruit, hides or skins of any kind, or any other article are found within the City, which in the opinion of the City Manager is dangerous to the health of the inhabitants thereof, the City Manager shall have the power and authority to cause the same to be destroyed in such manner as he/she may direct, and he/she may employ such persons as he/she sees fit for that purpose.

Section 220.060. Immediate Abatement — Special Tax Bill. [R.O. 2011 §8.24.060; Code 1950 §603.4; Prior Code §22-6; Ord. No. 5529 §1, 4-21-1986; Ord. No. 7025 § 2, 11-28-2016¹]

Whenever it becomes necessary to immediately abate a nuisance, as defined by Section 220.020, by common law or by the Statutes of the State, in order

1. Editor's Note: Section 2 also changed the title of this Section from "Abatement Without Notice - Special Tax Bill" to "Immediate Abatement -- Special Tax Bill."

to secure the general health or safety of the City or any of its inhabitants, the City Manager is authorized to abate or remove such nuisance. The City shall provide service of written notice to the owner of the property and, if the property is not owner-occupied, to any occupant of the property specifically describing each condition of the lot or land declared to be a public nuisance and identifying what action will remedy the public nuisance. The City Manager may use any suitable means or assistance for the removal or abatement of the nuisance, whether employees of the City or day laborers especially employed for that purpose or any other helper or assistance necessary therefor. The City Manager shall certify the cost of abating or removing such nuisance together with the proof of notice to the owner of the property to the Director of Finance who shall prepare a special tax bill against the property on which such nuisance was located, which tax shall be collected like other taxes.

If the certified cost is not paid, the tax bill shall be considered delinquent. The tax bill shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the bill is delinquent until paid.

Section 220.070. Duty To Abate Upon Notice And Procedure Upon Neglect Of Notice. [R.O. 2011 §8.24.070; Ord. No. 6466 §1(part), 2003; Ord. No. 7025 § 2, 11-28-2016²]

- A. In case the abatement of any nuisance described in Section 220.060 is not immediately necessary for the protection of the health and safety of the inhabitants of the City, or in case of the existence of any alleged nuisance not defined therein, the Building Commissioner or his/her designee shall provide service of written notice by personal service or 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.
1. The notice shall specifically describe each condition of the lot or land declared to be a public nuisance and identify what action will remedy the public nuisance, providing the owner ten (10) calendar days in which to abate or commence removal of each condition identified in the notice.
 2. Upon failure of the owner to pursue the removal or abatement of the nuisance without unnecessary delay within ten (10) calendar days from the date of the notice, the Building Commissioner or his/her designee shall hold a hearing prior to commencing abatement of the nuisance by the City.
 3. The City will provide written notice of the hearing to the occupant and owner of the property at least five (5) calendar days prior to the hearing. The hearing notice shall set forth the date, time and place for the hearing. All interested parties may appear at such hearing

2. **Editor's Note: Section 2 also changed the title of this Section from "Procedure For Delay in Abatement of Nuisance or Compliance With Closure Order" to "Duty To Abate Upon Notice And Procedure Upon Neglect Of Notice."**

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either in person or by attorney and present evidence concerning the matters at issue.

4. If upon such hearing the Building Commissioner finds that a nuisance exists, the Building Commissioner shall order the owner, occupant or agent of such property, or the person causing or maintaining such nuisance to abate the same.
- B. Upon failure of the owner or occupant to commence work of abating or removing such nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the Building Commissioner or designated officer may cause the condition which constitutes the nuisance to be removed or abated. In all cases when the Building Commissioner or other person under the direction of the Building Commissioner shall remove or abate the public nuisance, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the Director of Finance to be included in a special tax bill in the manner prescribed in Section 220.060. If the City Manager finds that the premises are in violation of Section 220.270, the City Manager may order the immediate closure of the premises in accordance with said Section.

Section 220.080. Duty of Owner or Occupant To Abate Upon Order of The City Manager or To Comply With Closure Order of The City Manager. [R.O. 2011 §8.24.080; Ord. No. 6466 §1(part), 2003]

It shall be the duty of the owner or occupant of the premises, or his/her agent, or the person causing or maintaining any nuisance to abate the same after an order by the City Manager in accordance with the terms prescribed in such order; and any failure to do so shall constitute a violation of this Chapter and shall subject such person to the penalties prescribed for such violation in Section 220.060. In addition, any failure to comply with any order by the City Manager in reference to either abatement of the nuisance or closure of the premises shall subject such person to the general penalty prescribed in Section 100.190 of the University City Municipal Code.

Section 220.090. Right of City To Recover Costs of Abatement By Civil Action. [R.O. 2011 §8.24.090; Code 1950 §603.7; Prior Code §22-9]

Nothing in Sections 220.060 to 220.080 shall be construed as abandoning or limiting the City's right by civil action in the City court to recover the expense incurred in abating any nuisance.

Section 220.100. Cost of Nuisance Abatement — Added To Real Estate Bill. [R.O. 2011 §8.24.095; Ord. No. 6287 §1, 2001]

In addition to any other remedy provided by law, if the owner of property has failed to begin or pursue without unnecessary delay the removal of a nuisance and the City Manager has removed or abated a public nuisance which had been declared to exist on any lot or land due to the presence of

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debris of any kind including, but not limited to, weed cuttings, cut and fallen 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 is unhealthy or unsafe and declared to be a public nuisance, the cost of such removal or abatement may be added to the annual real estate bill for the property and collected in the same manner and procedure for collecting real estates taxes.

Section 220.110. Appearance At Hearings Before City Manager. [R.O. 2011 §8.24.100; Code 1950 §603.8; Prior Code §22-10; Ord. No. 6192, 1999]

At hearings before the City Manager relating to the abatement of nuisances as provided by this Chapter, the interested persons may appear in person or by attorney, or may file affidavits.

Section 220.120. Pro Rata Distribution of Costs of Abating Nuisance Located On Property of More Than One Owner. [R.O. 2011 §8.24.110; Code 1950 §603.9; Prior Code §22-11; Ord. No. 6192, 1999]

If any nuisance abated by the City Manager as provided by this Chapter extended, before the abatement, over the property of more than one (1) owner, the cost of abating the same shall be assessed in proportion to the amount of work and expense for each proportionate part of the entire work and the area, and the special tax bills provided for by this Chapter shall be levied and collected accordingly, but in determining who is the owner of any particular lot, plot or parcel of land for the pro rata distribution of the assessment of such cost, each group of owners, as for instance in joint tenancy or in common, shall be deemed a single owner in order to preserve to the City its lien against the particular lot, plot or parcel of land under the special tax bill levied against the same as aforesaid.

Section 220.130. Right of Entry By Persons Employed or Contracted To Abate Nuisance — Interference Prohibited. [R.O. 2011 §8.24.120; Code 1950 §603.10; Prior Code §22-12; Ord. No. 6192, 1999]

Any person or contractor employed or contracted with for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose into and upon any premises at reasonable hours, and it is unlawful to interfere with any Police Officer or any officer, agent or employee of the City, or with any representative of the City Manager, for the purpose of sanitary inspection or the discovery or abatement of any nuisance.

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**Section 220.140. Liability For Nuisances. [R.O. 2011 §8.24.130;
Code 1950 §603.31; Prior Code §22-13]**

The owner of any premises, or his/her agent in charge thereof, as well as the tenant or occupant of such premises is charged with the duty of observing all of the requirements and provisions of this Code with reference to nuisances, and any or all of such persons, together with the person causing or contributing to cause or bring about any nuisance, may be charged with such offense and shall be equally liable.

ARTICLE II
Certain Specific Nuisances

Section 220.150. Graffiti. [R.O. 2011 §8.24.140; Code 1950 §603.5; Prior Code §22-7 (part); Ord. No. 5529 §1, 4-21-1986; Ord. No. 5750 §1, 4-16-1990; Ord. No. 5757 §1, 6-18-1990; Ord. No. 5855 §1, 7-27-1992]

Graffiti on private property exposed to public view shall constitute a nuisance. A citation requiring the abatement within ten (10) days shall be served on the owner of the property bearing the graffiti by U.S. mail, postage prepaid. Within said ten (10) day period, the property owner involved may request a hearing to be held in the office of the City Manager or Deputy City Manager. All work in eradicating the graffiti shall be done in a thorough and workmanlike manner.

Section 220.160. Certain Stables, Sheds, Etc. [R.O. 2011 §8.24.150; Code 1950 §603.11; Prior Code §22-14]

Whenever any stable, stall, shed or compartment, or any yard or appurtenance thereof in which any horse, cattle, cows, swine or any other animal shall be kept, or any place within the limits of the City in which manure or liquid discharges of such animals shall collect or accumulate, and which stable, stall, shed or compartment, or any yard or appurtenance thereof is not kept in a cleanly and wholesome condition, so that no offensive smell shall be allowed to escape therefrom, it shall be deemed a nuisance; provided that nothing in this Section shall be so construed as to include manure deposits upon any private property for the purpose of cultivating the same.

Section 220.170. Filthy Water, Nauseous Liquid Waste, Etc. [R.O. 2011 §8.24.160; Code 1950 §603.12; Prior Code §22-15]

The accumulation upon any premises, lot or parcel of ground in the City, or the discharge thereof upon any public street, alley or private property, of urine, liquid waste from stables, swill, water from privy vaults, wastewater from sinks, wash water, or any foul or nauseous liquid waste of any kind whatever shall constitute a nuisance.

Section 220.180. Lots Containing Offensive Water. [R.O. 2011 §8.24.170; Code 1950 §603.21; Prior Code §22-16]

Any lot or piece of ground within the City on which there is a pond or pool of unwholesome, impure, stagnant or offensive water shall be deemed a nuisance.

Section 220.190. Dead Animals, Excrement, Filth, Etc. [R.O. 2011 §8.24.180; Code 1950 §603.15; Prior Code §22-17]

It is unlawful and deemed a nuisance for any person to deposit any dead animals or excrements or filth from privies or any hay, straw, dirt or rubbish

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of any kind or description, or any filthy water or manure upon any streets, alleys or public or private property in the City.

Section 220.200. Putrid Meat, Offal, Garbage, Etc. [R.O. 2011 §8.24.190; Code 1950 §603.13; Prior Code §22-18]

The accumulation or existence upon any premises, lot or parcel of ground in the City of any putrid and unsound meat, pork, fish, hides, decayed vegetables or food, manure, garbage, offal, rubbish, dirt or filth of any kind, which, by its decay or putrefaction, could or would become offensive to human beings or detrimental to health, shall constitute a nuisance.

Section 220.210. Unclean Drains, Tanks, Manure Boxes, Etc. [R.O. 2011 §8.24.200; Code 1950 §603.16; Prior Code §22-19]

Any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter, or any leaking, broken slop, garbage or manure boxes, or receptacles of like character, whenever found within the limits of the City, shall be deemed a nuisance.

Section 220.220. Rags, Refuse, Broken Barrels, Etc. [R.O. 2011 §8.24.210; Code 1950 §603.18; Prior Code §22-20]

Whenever there shall be found in or upon any lot or piece of ground within the City any dirt gathered in cleaning yards, waste or mills or factories, or any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials which are offensive or tend by decay to become putrid or to render the atmosphere impure or unwholesome, the same shall be deemed a nuisance.

Section 220.230. Certain Seepage Water. [R.O. 2011 §8.24.220; Code 1950 §603.20; Prior Code §22-21]

Whenever in any cellar, basement or part thereof of any house or building within the City there may be found water occasioned by leakage from defective hydrants, water pipes, sewer pipes, cisterns or wells, gutters, drains, rainspouts or seepage from the surrounding earth, or the walls of any cellar or basement shall be found to be damp or moist from any of the causes named in this Section, then such water, leakage, seepage or moisture shall be deemed a nuisance.

Section 220.240. Certain Wells and Cisterns. [R.O. 2011 §8.24.230; Code 1950 §603.23; Prior Code §22-22]

Any open, uncovered or unprotected well or cistern on any premises within the City, or any well or cistern containing water which a chemical analysis discloses to be impure or unwholesome in nature shall be deemed a nuisance.

Section 220.250. Clogged or Stopped Gutters. [R.O. 2011 §8.24.240; Code 1950 §603.25; Prior Code §22-23]

It is unlawful and a nuisance for any person in the City to suffer or permit any gutters fronting or adjacent to any lot or premises occupied or owned by him/her to become so clogged or stopped up by an accumulation of filth or mud as to prevent the free passage of water along and through them.

Section 220.260. Soil Erosion — Depletion of Topsoil. [R.O. 2011 §8.24.250; Prior Code §22-24; Ord. No. 4778 §1]

It is unlawful for any person, firm or corporation to maintain any lot, tract or parcel of land in the City in such a manner so as to cause erosion, alteration of the natural topography and grade of land, or depletion of natural deposits of topsoil and other natural materials. If in the determination of the City Forester the only feasible method of soil erosion control is by revegetation, specifications for the work shall provide that the lot, tract or parcel shall be harrowed or raked to establish a seedbed and shall be seeded with grass, permanent pasture mixture, or other approved fast-growing vegetation and shall be repeated as often as necessary until the lot, tract or parcel is stabilized.

Section 220.270. Criminal Nuisances. [Ord. No. 6901 §3, 12-10-2012]

- A. *Defined.* A criminal nuisance exists when one (1) or more incidents, acts, or physical conditions of premises are unabated by an owner after notice of same has been provided in accord with this Section. An actionable criminal nuisance shall require proof of more than one (1) of the following incidents, acts, or physical conditions occurring and recurring within twelve (12) months:
1. The illegal sale, manufacture, storing, possession, distribution, or use of narcotics or other controlled substances or precursors;
 2. The illegal sale, manufacture, storing, possession, distribution or use of drug paraphernalia or precursors;
 3. The illegal sale, storing, possession, use or distribution of a firearm(s), weapons or explosive devices;
 4. Prostitution;
 5. Illegal gambling;
 6. The illegal sale, distribution or consumption of alcoholic beverages;
or
 7. Any other condition or activity prohibited by the Municipal Code of the City of University City or by State or Federal law and injurious or detrimental to the health, safety, welfare, or convenience of the inhabitants of the City, including chronic building code violations.

- B. *Warrant Authorized.* In determining the occurrence or recurrence of a criminal nuisance, or in effecting the abatement of a criminal nuisance, the Municipal Court may issue a warrant as provided in Section 240.020 hereof.
- C. *Violation And Notice.*
1. Whenever a criminal nuisance exists on any premises, written notice shall be given to the owner. The notice shall:
 - a. Be accompanied by a copy of this Section;
 - b. Identify the activities or conditions constituting the nuisance;
 - c. Direct the owner to immediately abate the nuisance;
 - d. Inform the owner that any recurrence of the nuisance so specified or any occurrence of another criminal nuisance on the premises within the following twelve (12) months may lead to criminal prosecution and administrative enforcement under this Section; and
 - e. Provide the owner with a reasonable opportunity to meet with a City representative to discuss the nuisance and the need for abatement measures.
 2. The notice shall be personally delivered or sent by first class United States mail and by certified, return receipt mail, and a copy shall also be posted in a prominent place on the premises.
 3. If additional nuisance activity occurs on the noticed premises within twelve (12) months of the date of the notice, an owner may be:
 - a. Prosecuted for the violation of permitting or maintaining a criminal nuisance, and
 - b. Subject to administrative enforcement of this Section as provided herein.
- D. *Prosecution.* Any owner who engages in, encourages, permits, or fails to abate a criminal nuisance after receiving any required notice to abate same may be charged with permitting or maintaining a nuisance in violation of this Section. An owner convicted of the charge shall be subject to a fine and imprisonment not to exceed one thousand dollars (\$1,000.00) and ninety (90) days in jail, or both. Each occurrence of a criminal nuisance within the twelve (12) month time frame, regardless of proximity in time to any other nuisance violation, shall be deemed a separate and distinct offense for which a summons may be issued. If the owner fails to abate a criminal nuisance after having received notice to abate, each day that the charged violation continues to exist shall constitute a separate offense and shall be subject to the imposition of separate penalties by the Municipal Court.

E. *Administrative Enforcement.*

1. If additional nuisance activity occurs on the noticed premises within twelve (12) months of the date of the notice, the City may initiate an administrative hearing to ensure the abatement of the criminal nuisance. Administrative enforcement may be pursued in addition to or in lieu of criminal prosecution.
2. The City's Prosecuting Attorney shall issue a notice of hearing to the owner of the subject premises. The notice shall be personally delivered or sent by first class United States mail and by certified, return receipt mail, and a copy shall also be posted in a prominent place on the premises. The notice shall:
 - a. Provide a time, date, and location for the hearing, with the date being not less than thirty (30) days from the date of the notice;
 - b. Identify the activities or conditions constituting the nuisance;
 - c. Direct the owner to immediately abate the nuisance;
 - d. Provide the owner with a reasonable opportunity to meet with a City representative to discuss the nuisance, the need for abatement, and the hearing; and
 - e. Be accompanied by a copy of this Section.
3. The City Manager or a designee shall serve as hearing officer and shall be represented by the City Attorney. The hearing officer:
 - a. May grant continuances on application and a finding of good cause; and
 - b. May issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents.
4. *Conduct of the hearing.*
 - a. The hearing officer shall:
 - (1) Take all testimony under oath or affirmation,
 - (2) Ensure that the hearing is recorded, whether by tape recording, digital recording, or a court reporter, and
 - (3) Conduct the hearing in accord with Section 536.070, RSMo., with regard to the rules of evidence, objections, witnesses, judicial notice, affidavits as evidence, and the transcript requirements of the hearing.
 - b. The case for the City shall be presented by the Prosecuting Attorney, and the City shall prove, by a preponderance of the evidence, that criminal nuisance activity as defined herein has

occurred and has recurred on the noticed premises within twelve (12) months of the date of the original notice.

- c. Proof of a conviction under this Section or any other germane municipal ordinance or State law violation shall be prima facie evidence of the occurrence or recurrence of criminal nuisance activity.
 - d. The owner may appear and be represented by an attorney, who shall file a written appearance with the hearing officer, and the owner may offer evidence and cross-examine the City's witnesses.
 - e. The owner shall have the opportunity to:
 - (1) Contest the occurrence and recurrence of the criminal nuisance,
 - (2) Show cause as to why, if a nuisance is found, administrative enforcement is not otherwise necessary or appropriate,
 - (3) Submit evidence or argument concerning possible administrative remedies, and the scope and extent thereof, if a nuisance is found, and
 - (4) Offer such further evidence and argument as may be relevant to the proceedings.
5. On conclusion of a hearing, the hearing officer shall issue findings of fact, conclusions of law, and an order setting forth the hearing officer's determination.
- a. If the hearing officer finds that the City has failed to carry its burden of proof on whether criminal nuisance activity has occurred or recurred, there shall be no administrative enforcement;
 - b. If the hearing officer finds that criminal nuisance activity has occurred and recurred, the hearing officer shall order the owner to implement reasonable measures designed to prevent the recurrence of the nuisance activity or to otherwise abate the nuisance. Those measures may include, but are not limited to, making necessary improvements to the premises, whether security or otherwise, hiring of licensed and insured security personnel, appointment of a property manager or receiver, initiation and execution of eviction proceedings against tenants or occupants who engaged in the nuisance behavior, or the closing and boarding of the premises for a period not to exceed one (1) year. If the owner fails to so act within the time allowed by the hearing officer's order, the City may implement the ordered abatement procedures.

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- c. The hearing officer's order shall inform the owner of the right to seek judicial review as provided in Sections 536.100 to 536.140, RSMo.
 - d. The City shall maintain a record of all criminal nuisance hearings, which shall include:
 - (1) The recording of the testimony presented at the hearing,
 - (2) All exhibits submitted as evidence at the hearing; and
 - (3) A copy of the findings of fact, conclusions of law, and order.
6. If the hearing officer determines that a nuisance exists and orders that the abatement of the nuisance requires closure of the subject premises, the following shall apply:
- a. If the premises is occupied at the time of the order of closure, the building shall be deemed condemned and shall be vacated in accordance with the laws of University City. It is unlawful for any person to occupy or use any premises ordered to be closed under this Section.
 - b. Prior to any re-occupancy, the premises shall be inspected by all germane City, State, and Federal inspectors, and the premises shall be in compliance with all applicable City, State, and Federal health, safety, property maintenance, and building regulations.
 - c. Any licenses, permits, or certificates pertaining to the occupancy or use of the subject premises and in effect at the time of an order of closure shall be forfeited.

Section 220.280. (Reserved)

ARTICLE III
Weeds

Section 220.290. Weeds Prohibited. [R.O. 2011 §8.40.010; Ord. No. 6621 §1, 2006; Ord. No. 6983 §1, 3-23-2015]

- A. It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of such owner, lessee or occupant of any lot, ground or premises or any part thereof to allow or maintain a growth of any weeds or turf grasses to a height of seven (7) inches or more upon any lot, land or premises in the City or upon the street or upon the right-of-way adjoining such premises or upon any adjoining sidewalk, excepting unimproved parcels of land upon which a maximum growth of weeds or grasses shall be not more than twelve (12) inches in height. Weeds and turf grasses that exceed the height restrictions contained in this Section shall be declared a public nuisance.
- B. Weeds shall not include cultivated flowers, gardens and plants native to this region used for aesthetic and/or wildlife enhancement, and/or to offset and control any soil loss problems either occurring or predicted. Cultivated flowers, gardens and plants native to this region are exempt from height restrictions in all City parks or private property, provide they do not obstruct sight distance for pedestrian, bicycle or vehicular traffic; encroaches upon neighboring property; or create a clear and present hazard to public health or safety.

Section 220.300. Destruction of Weeds — Duty of Property Owner, Occupant, Etc. [R.O. 2011 §8.40.020; Prior Code §14-33; Ord. No. 4069 §1]

Every owner, lessee or occupant or the representative thereof shall cause the lot, land or premises to be kept free from such noxious weeds and vegetation by destroying them by spraying with a chemical compound or by cutting or digging under or any other method approved by the City Engineer. All weed cuttings and fallen trees shall be removed in such a manner as not to create a nuisance.

Section 220.310. Abatement of Weeds — Special Tax Bill Constitutes Lien. [R.O. 2011 §8.40.030; Ord. No. 6669 §1, 2006]

- A. Whenever weeds, in violation of Sections 220.290 or 220.300 of this Chapter, 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 the entireties or tenancy in common, each owner thereof shall be liable. The City Manager or his/her designee shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon the City Manager or designee may declare the weeds to be a nuisance and order the same to be abated within five (5) days; and in case the weeds are not cut down and removed within

the five (5) days, the City Manager or designee may have the weeds cut down and removed, and shall certify the costs of the same to the City Clerk who shall cause a special tax bill therefor against the property to be prepared and to be collected by the Director of Finance with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Director of Finance on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at a rate of eight percent (8%) per annum.

- B. Notwithstanding the time limitations of this Section, the City Manager or designee may hold the hearing provided in this Section four (4) days after notice is sent or posted, and may order at the hearing that the weeds shall be abated within five (5) business days after the hearing and if such weeds are not cut down and removed within five (5) business days after the hearing, the order may allow the City to immediately remove the weeds pursuant to this Section.
- C. If weeds are allowed to grow on the same property in violation of this Chapter more than once during the same growing season, the City Manager or his/her designee may order that the weeds be abated within five (5) business days after notice is sent to or posted on the property. In case the weeds are not removed within the five (5) days, the City Manager or his/her designee may have the weeds removed and the cost of the same shall be billed in the manner described in Subsection (A) of this Section.
- D. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the Missouri Department of Transportation, the Missouri Department of Natural Resources or the Missouri Department of Conservation, the provisions of Articles I and II of this Chapter shall also be available for violations of Sections 220.290 or 220.300 of this Chapter.