

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE DECLARATION OF PUBLIC NUISANCE FOR AN ACCUMULATION OF DEBRIS ON PROPERTY; PROVIDING FOR REMOVAL AND ABATEMENT OF SAME; AND RECOVERY OF COSTS RELATING THERETO.

WHEREAS, Sec. 67.398, RSMo. Supp 1997 provides the governing body of a city, town or village in St. Louis County may declare the presence of certain debris and conditions upon any property to be a nuisance, and that the costs incurred by the city town or village in removing or abating such nuisance conditions may be recovered from the owner of the offending property either by including such costs in a special tax bill or by having such costs added to the annual real estate tax bill for the property; and

WHEREAS, it is the desire and intent of the [Board of Aldermen/Trustees or City Council] to enhance and protect the public health and safety by providing a process for declaration of such public nuisances and recovery of the costs of removal or abatement of same:

NOW, THEREFORE, BE IT ORDAINED BY THE [Board of Aldermen/Trustees or City Council] OF THE [City or Village] of \_\_\_\_\_ AS FOLLOWS:

Section 1.

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 trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve 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.

Section 2.

When a public nuisance as described above exists, the [code enforcement official] shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:

1. declare that a public nuisance exists;
2. describe the condition which constitute such nuisance;
3. order the removal or abatement of such condition within seven days from the date of service of such notice;
4. inform the owner that he or she may file a written request for a hearing before the [code enforcement official] on the question of whether a nuisance exists upon such property; and
5. state that if the owner fails to begin removing the nuisance within time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the [code enforcement official] shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.

Section 3.

If the owner of such property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the [code enforcement official] shall cause the condition which constitutes the nuisance to be removed. If the [code enforcement official] causes such condition to be removed or abated, the cost of such removal shall be certified to the [city or village] clerk and/or [finance officer] 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 or village] 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.

Section 4.

This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF \_\_\_\_\_,

MISSOURI, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_, City Clerk

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_, Mayor

Attest:

\_\_\_\_\_, City Clerk

OR

This Ordinance shall be in full force and effect from and after its passage by the Board of Trustees.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF \_\_\_\_\_

MISSOURI, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2000.

\_\_\_\_\_, Chairman

Attest:

\_\_\_\_\_, Village Clerk

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