

First Reading: _____

Bill No. 1241

Second Reading: _____

Ordinance No. 1196

AN ORDINANCE AMENDING TITLE II, CHAPTER 215 OF THE MUNICIPAL CODE OF THE CITY OF COOL VALLEY, MISSOURI BY THE ADDITION OF A NEW SECTION PERTAINING TO PROBLEM PROPERTIES WITHIN THE CITY.

WHEREAS, the Board of Aldermen of the City of Cool Valley, Missouri wishes to protect the peace and welfare of the City's residents; and

WHEREAS, section 546.902, R.S.Mo. provides that municipalities in St. Louis County, Missouri may adopt any ordinance not inconsistent with the laws of the state, as may be expedient for maintaining the peace and good government and welfare of the city; and

WHEREAS, properties used for the commission of crimes, ordinance violations or other odious acts are derogatory to the peace and welfare of the City's residents and are, therefore nuisances requiring abatement.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COOL VALLEY, MISSOURI, AS FOLLOWS:

Section One

Chapter 215 of the Municipal Code of the City of Cool Valley is hereby amended by repeal of sections 215.080, 215.090, 215.100, and 215.110, and a new section 215.080 is hereby enacted in lieu thereof, to read as follows:

TITLE II.	PUBLIC HEALTH, SAFETY AND WELFARE
CHAPTER 115.	HEALTH AND SANITATION
ARTICLE I.	NUISANCES
DIVISION 2.	CONTINUING NUISANCES
SECTION 215.080	PLACES USED FOR THE COMMISSION OF CRIMES OR ORDINANCE VIOLATIONS, OR ACTS DONE, PERMITTED, ALLOWED OR CONTINUED TO THE DAMAGE OR INJURY OF ANY INHABITANTS OF THE CITY

- A. As used in this section, "place" means any building, dwelling unit, lot, plot or parcel of land, premises, room or structure.

- B. Any place which is used for the commission of crimes, ordinance violations, or acts done, permitted, allowed or continued to the damage or injury of any of the inhabitants of the city, is a public nuisance.
- C. The chief of police, or his or her designee, shall notify the owner and occupant of any place used for the commission of crimes, ordinance violations, or acts done, permitted, allowed or continued to the damage or injury of any inhabitants of the city, that the place is in violation of this section, including the reason why, and that if the place continues to be used in such a manner a hearing shall be held to determine whether a public nuisance exists and, if so, to determine the appropriate abatement remedies, including that the place not be occupied or used for a period of up to one year. Notice shall be by personal service or certified mail, or by posting on the premises.
- D. If the place continues to be used for the commission of crimes, ordinance violations, or acts done, permitted, allowed or continued to the damage or injury of any inhabitants of the city, after such notice, the chief of police shall file a petition with the mayor which shall state what relief is sought or proposed and the reason for granting it.
- E. The mayor, or his or her designee, shall set the time and location for a hearing based on the petition, and shall cause notice thereof and a copy of the petition to be served on the owner and occupant of the place at least ten (10) days prior to the hearing. Service shall be personal or by certified mail, or by posting on the premises.
- F. At the hearing the mayor, or his or her designee, shall determine whether the place is a public nuisance, giving such weight to the following factors as he or she deems appropriate:
 - 1. The physical characteristics of the neighborhood in which the place is located, with particular consideration given to the proximity of the place to residential property, parks, churches, schools and playgrounds;
 - 2. Whether there is littering, as prohibited by law, by the owner, occupant or persons frequenting the place;
 - 3. Whether there is drinking of alcoholic beverages in public, as prohibited by law, by the owner, occupant or persons frequenting the place;
 - 4. Whether there is lewd and indecent conduct, as prohibited by law, including public urination or defecation, by the owner, occupant or persons frequenting the place;

5. Whether there is the possession, sale or use of controlled substances, as prohibited by law, by the owner, occupant or persons frequenting the place;
 6. Whether there is harassing or intimidating conduct, as prohibited by law, by the owner, occupant or persons frequenting the place, toward persons living in the neighborhood or passing by the place;
 7. Whether there is noise prohibited by law, caused by the owner, occupant or persons frequenting the place;
 8. Whether there is the commission of other crimes, ordinance violations, or acts done, permitted, allowed or continued to the damage or injury of any inhabitants of the city, by the owner, occupant or persons frequenting the place;
 9. Whether there is street or sidewalk congestion caused by the owner, occupant or persons frequenting the place;
 10. Any other activity deemed relevant by the mayor or designee.
- G. For purposes of this section, a person shall be considered to frequent a place if he or she lives or works at, or visits the place, or if the person loiters about the place.
- H. If the mayor, or his or her designee, finds that the place is a public nuisance in violation of this section, he or she shall order the owner or occupant to abate the nuisance, and may further order any appropriate action to abate the same, including that the place shall not be occupied or used for a period not exceeding one year.
- I. The closure of any place pursuant to this section shall not constitute an act of possession, ownership or control by the city of the closed place.
- J. It is unlawful for any person to:
1. Fail to obey an order to abate a nuisance issued pursuant to this section;
 2. Interfere with any entry into or upon the place by any police officer, agent or employee of the city for the purpose of abating the nuisance, as ordered pursuant to this section;

3. Occupy or use or permit any other person to occupy or use any place ordered closed pursuant to this section;
 4. Damage or remove any notice or order posted at the place pursuant to this section;
 5. Keep or maintain a place used for the commission of crimes, ordinance violations, or acts done, permitted, allowed or continued to the damage or injury of any inhabitants of the city.
- K. Nothing contained in this section shall relieve the owner or occupant of any place from complying with the building, fire, property maintenance and zoning codes, or any other ordinance that regulates the condition or use of the place.

Section Two

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Three

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section Four

This Ordinance shall be in full force and effect from and after final passage and approval.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF COOL VALLEY THIS 26th DAY OF JUNE, 2013.

Ayes: A. Robinson, M. Johnson, F. Blackwell, D. Johnson

Nays: - 0 -

Absent: - 0 -

Viola J. Murphy
Presiding Officer

Attest:

Deborah Jones Daniels
Deborah Jones-Daniels, City Clerk

APPROVED THIS 26th DAY OF JUNE, 2013.

Viola Murphy, MA
Viola Murphy, Mayor

Attest:

Deborah Jones Daniels
Deborah Jones-Daniels, City Clerk