

First Reading _____

Second Reading _____

Bill No. 1230

Ordinance No. 1185

**ORIGINAL
COPY**

AN ORDINANCE AUTHORIZING THE DECLARATION OF PUBLIC NUISANCE FOR FAILURE TO MAINTAIN A PRIVATE STORMWATER MANAGEMENT FACILITY; PROVIDING MAINTENANCE AND REPAIR OF SAME; AND RECOVERY OF COSTS RELATING THERETO.

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

Section One

Chapter 515 of Title V of the Municipal Code of the City of Cool Valley, Missouri is hereby amended by the adoption of a new section, initially to be designated as Section 515.020, relating to stormwater management facilities, to read as follows:

TITLE V.	BUILDING CODE
CHAPTER 515.	STORM WATER CONTROL
SECTION 515.020	STORMWATER MANAGEMENT FACILITIES

A. *Definitions.* For the purposes of this section, the following terms are defined as follows:

Stormwater: rainfall runoff, snow melt runoff and surface runoff and drainage.

Stormwater Management Facility: Structure or constructed feature designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the stormwater system. Stormwater management facilities include vegetative or structural measures, or both, to control the increased volume, rate, and quality of stormwater runoff caused by manmade changes to land.

B. Any private stormwater management facility located on any lot or land shall be a public nuisance for failure to maintain the private stormwater management facility if it has conditions impairing its proper operation, including, but not limited to, excessive sediment, extensive ponding of water, rubbish and trash, noxious weeds or invasive plants or nuisance plants exceeding twelve (12) inches in height, or any material which is unhealthy or impacts the proper operation of the private stormwater management facility.

Native plants, turf grass, ornamental grasses, or shrubs, including plants that are part of an approved, designed private stormwater facility or MSD-approved guidance document do not constitute a public nuisance.

- C. When a public nuisance as described in this section exists, the Chief of Police, or his or her designee, 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 constitutes such nuisance;
 3. order the correction, removal or abatement of such condition within ten (10) 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 Chief of Police on the question of whether a nuisance exists upon such property; and
 5. state that if the owner fails to begin correcting the nuisance within the time allowed, or upon failure to pursue the correction of such nuisance without unnecessary delay, the Chief of Police will have the option to cause the condition which constitutes the nuisance to be corrected, removed or abated and that the cost of such correction, 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.
- D. If the owner of such property fails to begin correcting the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Chief of Police may cause the condition which constitutes a nuisance to be corrected. If the Chief of Police causes such condition to be corrected, removed, or abated, the cost of such repair shall be certified to the City Clerk, 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 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 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

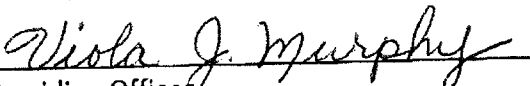
It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise 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 27th DAY
OF JUNE , 2012.**

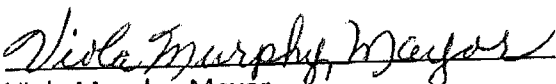
Ayes: M. JOHNSON, D. JOHNSON, F. BLACKWELL
Nays: 0
Absent: A. ROBINSON


Presiding Officer

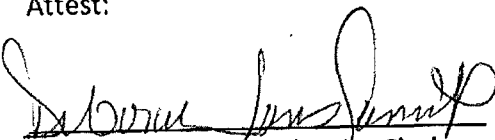
Attest:


Deborah Jones-Daniels, City Clerk

APPROVED THIS 27TH DAY OF JUNE , 2012.


Viola Murphy, Mayor

Attest:


Deborah Jones-Daniels, City Clerk