

AN ORDINANCE AMENDING THE MUNICIPAL CODE RELATING TO CERTAIN NUISANCE ENFORCEMENT PROCEDURES

WHEREAS, in a manner consistent with the Revised Statutes of Missouri, the Board of Aldermen deems it appropriate to amend the Municipal Code to provide the City with the ability to pursue nuisance violations with the occupant of a dwelling, versus only the property owner.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EUREKA, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1:

Section 11-3.5 of the Municipal Code of the City of Eureka, Missouri, is hereby repealed in its entirety, and a new Section 11-3.5 is hereby enacted in lieu thereof and shall read as follows:

Section 11-3.5. Enforcement Procedures for the Removal of Nuisances Affecting Health as Prohibited in Section 11-3.

- (a) Whenever any nuisance constituting a violation of Section 11-3, is allowed to exist or remain on any part of any lot or ground within the City, the owner of the lot or ground or, in case of joint tenancy, tenancy by the entireties of tenancy in common, each owner thereof, or occupants thereof shall be liable for the cost of the removal of such nuisance.
- (b) Notice, hearing and special tax bill.
 - (1) The Building Commissioner of the City shall give notice that in not less than ten (10) days and not more than fifteen (15) days a hearing will be held to determine if a public nuisance exists. This notice shall be given either personally or by United States Mail to the owner or owners or his agents, or occupants thereof or by posting such notice on the premises.
 - (2) The Building Commissioner of the City shall conduct a hearing not less than ten (10) days and not more than fifteen (15) days after this notice. Thereupon, the Building Commissioner may declare the existence of a nuisance and order said nuisance removed within not less than five (5) days and not more than thirty (30) days.
 - (3) If the nuisance is not removed as required by the Building Commissioner, the Building Commissioner shall have such nuisance removed. The Building Commissioner shall certify the cost of the removal to the City Clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes against the property.

- (4) Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first day of June of each year. Such tax bills, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum.
- (5) The tax bill from the date of its issuance shall be on a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity.

SECTION 2:

The provisions contained herein shall remain in full force and effect in the event the City or the third party Municipal Code codification company the City engages makes non-substantive changes to the language herein contained or section numbers herein referenced.

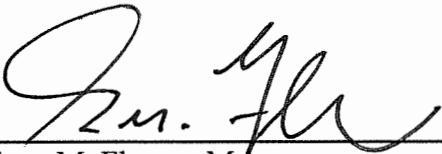
SECTION 3:

All ordinances, parts of ordinances or provisions of the Municipal Code of the City of Eureka in conflict with any provisions of this ordinance are hereby repealed.

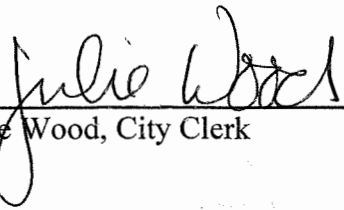
SECTION 4:

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 2ND DAY OF MARCH, 2021.


Sean M. Flower, Mayor

ATTEST:


Julie Wood, City Clerk