

BILL NO. 29-2024

ORDINANCE NO. 1578-2024

AN ORDINANCE AMENDING CHAPTER 215, NUISANCES, CHAPTER 232, PUBLIC TREE CARE AND CHAPTER 510, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, OF THE CODE OF ORDINANCES OF THE CITY OF KEARNEY, MISSOURI.

WHEREAS, nuisance ordinances protect health and safety within the city, maintain property values, enhance quality of life, and aid in crime prevention; and

WHEREAS, the Board of Aldermen desires to modify the nuisance code to include an administrative warrant process to abate nuisance violations related to junk, trash and debris, in accordance with state law; and

WHEREAS, the Board of Aldermen also desires to modify the nuisance code to add cost recovery tools when a violation is abated, allow for the immediate remediation of nuisances that pose an immediate threat to the public's safety, impose mandatory, progressive fines for repeat offenders and amend the current code language for clarity; and

WHEREAS, from time to time, the City of Kearney, Missouri Code of Ordinances may be amended, supplemented, modified, or repealed by the Board of Aldermen.

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

Section 1. That Chapter 215, Nuisances, Article I, Generally, Article II, Weeds, Debris or Other Vegetation, Article III, Abandoned Property, Article IV, Leaving Disabled or Damaged Motor Vehicle or Junk On Street or Private Property – Nuisance, Article V, Marijuana, Chapter 232, Public Tree Care, Section 232.060, Pruning, and Chapter 510, Streets, Sidewalks, and Other Public Places, Article II, Abandoned Vehicles and Other Personal Property of the Code of Ordinances, City of Kearney, Missouri are hereby amended with additions shown in underlined notation and deletions shown in ~~strike through~~ notation as detailed and attached in **Exhibit A** incorporated hereto as if fully set forth herein.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions hereof are hereby repealed.

Section 3. That this Ordinance shall be in full force and effect from and the date of its passage and approval.

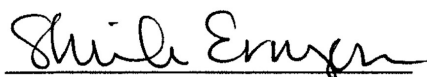
ADOPTED AND APPROVED BY THE MAYOR AND BOARD OF ALDERMEN, CITY OF KEARNEY, MISSOURI, THIS 15TH DAY OF JULY, 2024.

APPROVED:



Randy Pogue, Mayor

ATTEST:



Sheila Ernzen, City Clerk

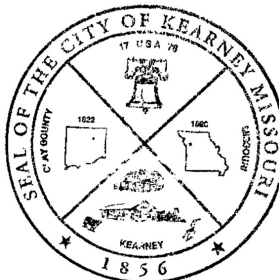


EXHIBIT A

Formatted: Font: (Default) Calibri

Chapter 215 Nuisances

Article I Generally

Section 215.010 Unlawful To Cause, Maintain Within City.

- A. No ~~it~~ shall be unlawful for any person shall to permit, cause, keep, or maintain or ~~do~~ any nuisance or contribute to the same as defined by the laws of the State, provisions of this Code nor other ordinances of the City, or cause or permit to be committed, caused, kept, maintained or done or contribute to the committing, causing, keeping or maintaining of any such nuisance within city limits. For purposes of this Section, the term "person" includes individuals, private corporations, firms, partnerships, associations, executors, administrators, trustees, receivers, or other representatives appointed according to law.
- B. No owner, occupant or person in charge of any house, building, lot or premises shall cause or allow any nuisance to be or remain in or on any such house, building, lot or premises.
- C. For the purposes of this chapter, the term "undeveloped property" shall mean property which does not have a final plat which has been recorded with Clay County. However, property which has any constructed improvements on it, including but not limited to buildings, structures, driveways, parking lots, and landscaped areas but not platted shall not be treated as undeveloped property.
- D. For the purposes of this chapter, the term "cultivated property" shall mean property that is worked by plowing, sowing, and raising crops and shall include the harvesting of hay and other grasses for commercial purposes on an undeveloped parcel in excess of three (3) acres of size, provided that it is harvested at a reasonable maturity level.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.010 Penalty

- A. Notwithstanding any other provision of this Code to the contrary:
 - 1. Whenever the code enforcement officer or other employee authorized by the City Administrator is made aware that a violation of this Chapter, including Sections 215.050, 215.051 or 215.052, has occurred, a summons to appear in municipal court on the violation may be issued.
 - 2. Any person who has been found guilty of violating any provision of this Chapter, after issuance of a summons to appear in municipal court, shall be assessed a fine and court costs not to exceed \$200.00 for the first offense.
 - 3. Any person who has been found guilty of violating any provision of this chapter a second time within a 12 month period, after issuance of a summons to appear in municipal court, shall be assessed with a fine and court costs not to exceed \$275.00.

Formatted: Font: (Default) Calibri, Not Bold

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri, Not Bold

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Indent: Left: 0", Hanging: 0.79"

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

EXHIBIT A

4. Any person who has been found guilty of violating any provision of this chapter a third time within a 12 month period after issuance of a summon to appear in municipal court, shall be assessed a fine and court costs not to exceed \$350.00.
5. A habitual offender, that is, any person who has been found guilty of violating any provision of this chapter four times within a 12 month period, after issuance of a summons to appear in municipal court, shall be assessed a fine and court costs not to exceed \$450.00 for the fourth offense and each subsequent offense thereafter. Probation may be granted to a habitual offender for a term of not less than two years.
- B. If a person is charged and found guilty of committing more than one offense on the same day, then all such offenses on that day for purposes of this Section shall be counted as one violation. Each day that any condition exists or continues which constitutes a violation of this chapter shall be regarded as a new and separate offense.
- C. The penalties in this Section are in addition to the remedies identified elsewhere in this chapter. These remedies include abatement and the imposition of costs through a special tax bill, an annual real estate tax bill, any delinquent costs also constituting a personal debt against the owner and also creating a lien on the property until paid.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.020 Nuisances Enumerated.

- A. The following are hereby deemed, defined and declared to be nuisances for the purposes of this
1. Substances emitting noxious odors. All substances which emit or cause any foul, noxious, unhealthy or disagreeable odor or effluent in the neighborhood where they exist.
 2. Carcasses of animals. All carcasses of animals remaining exposed one (1) hour after death.
 3. Hides. All green or salted hides left or deposited in any open place.
 4. Slaughterhouses, pens in offensive condition. All slaughterhouses or pens inside the City which are kept in such a condition as to be offensive, annoying or disagreeable to anyone.
 5. Establishments emitting noxious odors, etc. Establishments emitting or causing offensive, disagreeable, noxious or toxic dust, vapor, fume, mist or odor.
 6. Liquid refuse. All slop, foul or dirty water, liquid or beer washings, all filth, refuse or offal discharged through drains or spouts or otherwise thrown or deposited in or upon any street, sidewalk, lot, park, public square, public enclosure, any pond or pool of water.
 7. Vegetables emitting noxious odors. All vegetables or other articles that emit or cause an offensive, noxious or disagreeable smell or odor.
 8. Matters causing injury, inconvenience or annoyance to public. All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, inconvenience or annoyance of the public.
 9. Acts injuring, annoying or inconveniencing the public. All pursuits followed or engaged in or acts done by any person to the injury, annoyance or inconvenience of the public.

EXHIBIT A

10. Advertising devices over streets. All hanging signs, ropes, network or other advertising device stretched over or across any street or sidewalk without consent of the City.
11. Litter, trash, or refuse on public or private property. All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings, eggshells, oyster shells or cans, dust, brush, logs, paper, trash, rubbish, manure, refuse, offal, waste water, chamber lye, fish, putrid meat, entrails, decayed fruit or vegetables, broken ware, rags, iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals or any other offensive or disagreeable substance or thing thrown, left, deposited or discharged or caused to be left, thrown, deposited or discharged by anyone in or upon any street, sidewalk, park, public square, public enclosure, lot, vacant or occupied, stream or waterway, or pond or pool of water.
12. Litter. Meaning a disorderly accumulation of objects or items carelessly discarded or allowed to collect.
13. Any accumulation of material that does or could afford harborage for rats, mice, snakes or other vermin.
14. The causing or permitting of any natural or manmade drainage ditch, dam, detention pond, drainage structure or drainage way on any private property or public property to be rendered partially or totally unusable or ineffective in meeting its original purpose in natural or designed capacity.
15. Additional nuisance conditions.
 - a. Any fence, wall, shed, deck, house, garage, sign, building structure or any part of the aforesaid; or
 - b. Any tree, bush, pole, smokestack; or
 - c. Any excavation, hole, pool, pit, basement, cellar, dock or loading dock; or
 - d. Any lot or land, yard, premises, or location,

Formatted: Font: (Default) Calibri

which in its entirety or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one (1) or more individuals in the City in any one (1) or more of the following particulars:

- (1) By reason of being a nuisance, threat and/or hazard to the general health and safety of the community.
- (2) By reason of being a fire hazard.
- (3) By reason of being unsafe, dangerous or unhealthy for occupancy or use on, in, upon, about or around the aforesaid property.
- (4) By reason of lack of sufficient or adequate maintenance of the property and/or being vacant, any of which blights or depreciates the enjoyment, value, appearance or use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such conditions exist, including contributing.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

16. The abandonment, neglect or disregard of any premises so as to permit the premises to become unclean with an accumulation of litter or waste thereon or to permit the premises to become

EXHIBIT A

unsightly, unsanitary or obnoxious or a blight to the vicinity or offensive to the senses of users of the public way abutting the premises and so to continue for a period longer than ten (10) days after written notice.

- 17. Any house, building or room in which persons are allowed or permitted by the owner, keeper, or occupant to resort or use for the purpose of prostitution or similar sexual activity.
- 18. Any non-conforming property, lot, use, building or structure, as defined by the City zoning ordinance, which is allowed by reason of lack of sufficient or adequate maintenance of the property, lot, use, building or structure to fall below the standards and level of maintenance of the surrounding properties and/or being vacant, any of which depreciates the enjoyment and the use of the property in the immediate vicinity to such an extent that it is harmful to the community in which the property is situated or such conditions exist.
- 19. Any partially dismantled, wrecked, junked, or discarded or otherwise non-operating motor vehicle under repair remaining on private property longer than 48 hours; and no person shall leave any such vehicle on any property within the City for a longer time than 48 hours, except that this section shall not apply to any vehicle in an enclosed building or so located upon the property as not to be readily visible from any public place or from any immediately adjacent private property or with regard to vehicles not in appropriate storage place or depository maintained in a lawful public agency or entity, or in a zoning district permitting such use.
- 20. Unsheltered storage or unsheltered parking of wrecked, crushed, stripped, junked and other vehicles not in good and safe operating condition, or of any other vehicles, machinery, implements and/or equipment, or any other articles, on any lot, building, structure, or other premises, or in any place, shall be presumed to be not in a good and safe operating condition unless, property owner and believed to be readily visible from any public place or from any immediately adjacent private property or vicinity, and to a vehicle, not in appropriate storage place or depository maintained in a lawful public agency or entity, or in a zoning district permitting such use.
- 21. All articles or things whatsoever committed, caused, kept, maintained, suffered, or permitted, that are dangerous or detrimental to any of the inhabitants of the city.
- 22. The maintenance upon any premises in this city of a building, structure, or other condition apt to cause injury to the traveling public, or apt to obstruct, injure or destroy public ways of the city.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.025 Right of Entry for Purposes of Enforcement, Administrative Search Warrant

1. Whenever necessary to make an inspection or to enforce any of the provisions of this code on private property or whenever the code enforcement officer, building official, chief of police, or other employee authorized by the City Administrator (hereinafter "authorized person") has probable cause to believe that there exists a nuisance, or in any building or structure any condition which makes such building or structure unsafe, the authorized person may go upon the property and or enter the building or structure at any reasonable time to inspect the same or to perform any duty imposed upon the authorized person by this Code, including abatement or removal of any nuisance; provided, if such property is occupied, the authorized person shall first present proper credentials and request and obtain consent to enter before gaining access to the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.

Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri

EXHIBIT A

2. If no consent has been given to enter or inspect any building, structure, or premises, no entry or inspection shall be made without the procurement of an administrative search warrant from the judge presiding in the Municipal Court.

3. Administrative search warrant defined - Who may issue, execute.

Formatted: Font: (Default) Calibri

a. An administrative search warrant is a written order of the Municipal Court judge commanding the search or inspection of any property, place or thing, and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein, to determine or prove the existence of violations of any Ordinance or Code Section of the City relating to the use, condition or occupancy of property or structures located within the City, or to enforce the provisions of any such Ordinance or Code Section.

b. The Municipal Court judge having original and exclusive jurisdiction to determine violations against the Ordinances of the municipality may issue an administrative search warrant when:

(1) the property or place to be searched or inspected or the thing to be seized is located within the City at the time of the making of the application; and

Formatted: Font: (Default) Calibri

(2) the owner or occupant of the property or place to be searched or inspected or the thing to be seized has refused to allow same after official request by the authorized person.

c. Any such administrative search warrant shall be directed to the chief of police or any other police officer of the City and shall be executed by the chief of police or said police officer within the City of Kearney limits and not elsewhere.

4. Who may apply for an administrative search warrant-contents of application.

a. The city prosecutor or city attorney may make application to the Municipal Court for the issuance of an administrative search warrant.

b. The application shall:

(1) Be in writing;

(2) State the time and date of the making of the application;

(3) Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the administrative search warrant can readily ascertain it;

(4) State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the authorized person to allow such action and refused to allow such action (denial of access form);

(5) State facts sufficient to show probable cause for the issuance of an administrative search warrant, as provided in Subsection 3.a. hereof, to:

a. Search or inspect for violations of an ordinance or code section specified in the application; or

b. Show that entry or seizure is authorized and necessary to enforce an ordinance or code section specified

EXHIBIT A

in the application and that any required due process has been afforded prior to the entry or seizure;

(6) Be verified by the oath or affirmation of the applicant; and

(7) Be signed by the applicant and filed in the Municipal Court.

c. The application shall be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of an administrative search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony will not be considered.

5. Procedure – Contents of administrative search warrant – Execution and return.

a. Procedure.

(1) the Municipal Court judge shall determine whether probable cause exists to enter, inspect or search for violations of any City ordinances or code section and to enforce any such ordinance or code section.

(2) In doing so the Municipal Court judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The Municipal Court judge shall consider:

i. The duty of the ordinance or code section sought to be enforced;

ii. The physical condition of the suspected premises;

iii. The time of day, day of the week, and season of the year;

iv. Eyewitness accounts of violation;

g. Citizen complaints;

h. Tenant complaints;

i. Plain-view violations;

j. Violations apparent from City records;

k. Nature of alleged violation, the threat to life or safety and imminent risk of significant property damage;

l. Previous unabated or similar violations in the building or structure or on the premises;

m. Passage of time since the last inspection of the building, structure or premises;

n. The age and condition of the building are structured to be inspected; and

o. Whether the scope of the search has been specifically and narrowly defined as so to limit the discretion of the inspector.

(3) The standard for issuing an administrative search warrant need not be limited to actual knowledge of an

Page | 6 of 31

Formatted: Font: (Default) Calibri

EXHIBIT A

existing violation of an ordinance or code section.

(4) If it appears from the application and any supporting affidavit that there is probable cause to enter, inspect or search for violations of any City ordinance or code section or to enforce any such ordinance or code section, and administrative search warrant shall immediately be issued.

(5) The administrative search warrant shall be issued in the form of an original and two copies, and the application, any supporting affidavit and copy of the administrative search warrant as issued shall be returns of the Municipal Court.

b. Contents of the administrative search warrant. The administrative search warrant shall:

(1) Be in writing and in the name of the City of Kearney;

(2) Be directed to any police officer in the City;

(3) State the time and date the administrative search warrant was issued;

(4) Identify the property or places to be entered upon, searched or inspected in sufficient detail and particularity that the police officer executing the administrative search warrant can readily ascertain it;

(5) Command that the described property or places to be entered upon or searched, and that any evidence of any City ordinance violations found therein or thereon, or any property seized pursuant thereto, or a description of such property seized, be returned, within 10 days after filing of the application, to the Municipal Court judge who issued the administrative search warrant, to be dealt with according to law;

(6) Be signed by the Municipal Court judge, with his or her title of office indicated.

c. Execution and return of administrative search warrant.

(1) an administrative search warrant issued under this article shall be executed only by a City police officer, provided, however, that one or more designated City officials may accompany the officer, and the administrative search warrant shall be executed in the following manner:

a. The administrative search warrant shall be executed by conducting the entry, search, inspection or seizure as commanded and shall be executed as soon as practicable during regular business (or daylight) hours or at other times that may be reasonable in accordance with the circumstances.

Formatted: incr3, Space After: 0 pt

b. The police officer shall give the owner or occupant of the property entered upon, searched or inspected a copy of the administrative search warrant.

c. If any property is seized incident to the search, the authorized person shall:

(i) Give the person from whose possession it was taken, if the person is present, a receipt for the property taken. If no such person is present, the officer shall leave the receipt for property at the site of the search in a conspicuous place.

Formatted: incr4, Space After: 0 pt

(ii) A copy of the receipt for property of any property taken shall be delivered to the municipal court within two working days of the search.

(iii) The disposition of property seized pursuant to an administrative search warrant under this Section shall be in accordance with Section 215.034 of this Code.

EXHIBIT A

(iv) The police officer may summon as many persons as he/she deems necessary to assist him/her in executing the administrative search warrant, and such person shall not be held liable as a result of any illegality of the search and seizure.

(v) An officer making a search pursuant to an invalid administrative search warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the administrative search warrant were valid.

(vi) An administrative search warrant shall expire if it is not executed and the required return made within ten days after the date of the making of the application.

(2) After execution of the administrative search warrants, the officer's return and inventory thereon signed by the officer making the search, shall be delivered to the municipal court.

a. The officer's return and inventory shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.

b. The authorized person shall keep any photographs, copies or recordings made, and by any property seized, along with a copy of the receipt for property of such property required by this section; provided, however, that the seized property may be disposed of as provided therein.

c. The municipal court clerk upon request shall deliver a copy of the officer's return and inventory to the possessor and the owner, when not the same person, of the property searched or seized.

d. A warrant issued in violation of this part shall be deemed invalid.

(7) A warrant issued by the municipal judge:

is invalid if it:

(1) fails to describe the property or places to be entered upon;

(2) if it does not describe the property or places to be entered upon, searched, inspected or seized with sufficient certainty;

(3) if it is not signed by the municipal court judge who issued it; or

(4) if it was not executed and the required return made within ten days after the date of the making of the application.

(5) The authorized person may enter the premises without consent or an administrative warrant to make an inspection or enforce any of the provisions of this Code in the following circumstances:

(1) The activity has a high risk of illegal conduct and poses a serious danger to the public;

(2) Emergency situations;

(3) The inspection is conducted at a pervasively regulated business;

(4) In connection with such accepted regulatory techniques as licensing programs which require inspections prior to operating a business or marketing a product; or

(5) When imminent circumstances or conditions otherwise threaten the health, safety or welfare of the public.

EXHIBIT A

Section 215.030 Abatement — Procedure After Notice, Hearing,

A. ~~If the abatement of any nuisance is not immediately necessary for the protection of the health and welfare of the inhabitants of the City, then Whenever any the code enforcement officer, building official, police officer, or other employee authorized by the City Administrator Police Officer of the City, Director of Community Development or a duly authorized representative shall give ten days' notice to the owner and occupant or person having possession of the premises where the nuisance exists, or his or her agent, stating the nature of the nuisance and ordering the removal or abatement of such nuisance. The notice shall be required in order to abate the nuisance under provisions of this chapter, but notice shall not be required as a prerequisite for a violation pursuant to Section 215.010 or repeat violation pursuant to Subsection 215.060. If the nuisance is on private property, proof that a person occupied the property or that a person has possession or the right to possession of the property shall constitute prima facie evidence for purposes of this chapter that the person has caused, maintained or permitted the nuisance; and the person shall be responsible for its abatement. The notification may be made by any one of the methods set forth in Subsection 215.030.C.6, ascertain or have knowledge that a nuisance exists as above mentioned in or upon any house or premises, either public or private, in the City, he/she shall, in writing, notify the person occupying, having possession of said house or premises, or responsible for such nuisance condition to abate or remove such nuisance within a reasonable time to be specified in such notice.~~

Formatted: Font: (Default) Calibri, Not Bold

Formatted: Font: (Default) Calibri, Not Bold

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

B. ~~Any person notified as provided in Section 215.030(A) shall not fail, neglect or refuse to comply with the notice within the time specified in the notice. For every day from the time specified in the notice that the person who shall fail, neglect or refuse to comply with the same and for every day thereafter that the person shall fail, neglect or refuse to abate or remove such nuisance, he or she within such time shall be deemed guilty of an ordinance violation and for every day thereafter that such person shall fail, neglect or refuse to comply with the same and for every day thereafter that such person shall fail, neglect or refuse to abate or remove such nuisance, he/she shall be deemed guilty of a separate ordinance violation and shall be proceeded against as in the first (1st) instance. If the property has been posted with a notice to abate the nuisance for at least 10 days and after reasonable attempts to give notice to the property owner or occupant, failure to give such notice by personal service or by mail shall not invalidate a lien against the land for charges to abate the nuisance.~~

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

C. Procedure. The notice of nuisance and requirement to abate shall:

1. Be in writing.

2. State the nature of the nuisance and that the condition constitutes a nuisance.

3. Describe the premises where the nuisance is alleged to exist or to have been committed.

4. Specify a period of ten days for the abatement of the nuisance and advise the owner, occupant or person in possession of the premises o his or her right to request a hearing under the appeal procedure in Subsection 215.030.D.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

5. State that, unless the nuisance is abated within ten days, it can be abated by the City, and the costs of abatement shall be assessed as provided under Section 215.033.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

6. Be Served upon the owner and occupant or person in possession of the premises, or owner of the personal property, by delivery personally or by leaving notice at the owner, occupant or person in possessions usual place of abode with a member of the family over the age of 15 years, or by United

EXHIBIT A

States certified mail and ordinary mail, postage prepaid, addressed to the owner, occupant, person in possession or their agent. If a person to whom the notice is addressed cannot be found after reasonable effort to do so, service may be made by posting the notice on the premises described in the notice, or by causing the notice to be published in a newspaper of general circulation. If the owner or occupant is a corporation, notice shall be served upon an officer, a person in charge of any local business office, or its registered agent or any other agent authorized by appointment or required by law to receive service of process.

Formatted: Font: (Default) Calibri

Whenever any Police Officer of the City, Director of Community Development or a duly authorized representative ascertains that a nuisance dangerous to public health exists in or upon any house, building, lot or premises in the City, either public or private, he/she may in the case of failure, neglect or refusal to comply with the notice provided above certify to the Board of Aldermen that such a nuisance exists and in his/her opinion is dangerous to public health. Upon receipt of such certification, the Board of Aldermen may order the appropriate officer of the City to enter in or upon such house, building, lot or premises, public or private, and remove and abate such nuisance and shall charge the cost thereof to the owners or lessors in control.

D. Appeal.

1. Any person served with a notice of violation and requirement to abate shall have the right to appeal from the notice of violation to the City Administrator or other employee designated by the City Administrator within seven days of the date of the notice of violation. The City Administrator or designee shall have a reasonable and fair manner allow the applicant to present evidence, such as any filed appeals and decide whether to affirm, amend or reverse the notice of violation or other

Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri

2. An appeal shall be in writing, and in a form provided by the City Administrator and with such information as the City may require. An appeal is filed by delivering to the City Administrator or designee within seven days of the date of the violation. Failure to file an appeal, specifically the name of the applicant, and the written appeal shall be considered.

Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri

3. The timely filing of an appeal shall not stay enforcement through abatement but shall preserve the right to challenge abatement costs. Failure of a person entitled to appeal under this chapter or to timely file an appeal is a waiver of the right to appeal. A person shall be stopped to deny the validity of any order or action which could have been appealed.

4. Any person who appeals under this section may appeal the decision to the Board of Aldermen within 10 days of the decision, in writing, in a form and with such information as the City may require.

The cost of removing or abating any nuisance dangerous to public health as above described may be assessed and collected as a lien on the property affected thereby. As soon as the cost of removal and abatement of any such nuisance shall be determined by the Board of Aldermen, they shall notify by certified mail and with ordinary mail deposited in the United States mail the owners, lessors or agents of the cost. If after thirty (30) days from the mailing of such registered letter the cost is unpaid, then the Board of Aldermen shall determine the names of the owners and all parties interested in said lots affected from the assessment and levy of general taxes by the City but no defect or mistake in the books or in the description therein of the lots or in the name of such apportionment shall impair the validity of the lien on the lots or bills issued therefor. The City Collector shall immediately upon receipt of such assessment enter the assessments therein contained in the appropriate books to be kept for

EXHIBIT A

~~that purpose showing the property assessed.~~

Section 215.031 Authorization to abate.

Ten days after the notice is given to a property owner and person occupying or in possession of the property to abate or remove a nuisance, or to an agent as may be applicable, and the property owner or occupant or possessor fails to begin removing or abating the nuisance or otherwise fails to remove or abate the nuisance, the code enforcement officer or other employee authorized by the City Administrator is authorized and empowered to lawfully enter upon any private property or premises for the purpose of abating or removing any nuisance existing thereon upon obtaining a warrant or consent from the owner or occupant or possessor of the property and for that purpose may summon sufficient force to help him or her abate or remove any nuisance, including the use of City employees or equipment and the use of contractors or laborers hired for the duration of the abatement project.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.032 Abatement without notice.

Whenever the code enforcement officer, chief of police, or other employee authorized by the City Administrator has cause to abate a nuisance immediately in order to secure the general health, safety or welfare of the City or any of its inhabitants, the code enforcement officer, chief of police, or other employee authorized by the City Administrator is authorized to abate the nuisance without notice, and he or she may use any suitable means or assistance for that purpose, whether employees of the City or day laborers or contractors especially employed for that purpose or any other help or assistance necessary therefore.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.033 Liability for costs.

All of the costs of abatement, including but not limited to, costs of notices, inspections and abatement proceedings and proof of notice to the owner of the property shall be certified to the City Clerk or officer in charge of finance, who shall cause the certified costs to be included in a special tax bill or added to the annual real estate bill, at the collecting official's option, for the property and the certified costs shall be collected by the official collecting taxes in the same manner and procedure for collecting real estate taxes. If these certified costs are not paid, the tax bill or annual real estate bill reflecting the special tax bill (in any case referred to as "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 from the date the tax bill is delinquent until paid. The tax bill 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 tax bill shall be issued by the officer in charge of finance and delivered to the collecting official on or before the first day of October of each year. The tax bills if not paid when due shall bear interest at the rate of 12 percent per annum.

Formatted: Indent: First line: 0"

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.034 Disposition of Nuisance Property

A. If not removed within the times specified in the notice to abate provided for within Sections 215.030, 215.031 and 215.032, the nuisance property shall be removed as follows by or at the direction of the authorized person, at the expense of the owner or person in custody thereof;

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

1. Vehicles shall be hauled by a certified towing company and stored on their lot pursuant to state law;

EXHIBIT A

2. Miscellaneous personal items that appear to be readily usable or readily repairable, including but not limited to lawn care items, yard decorative items, car parts, furniture, children's toys, clothing, household items, appliances or building materials shall be taken to a storage area/ building and stored for a period of at least 90 days. The person entitled to possession thereof may redeem the property by payment to the City of the actual cost of removal and the storage fee;

3. Garbage/trash/broken items shall be bagged/stacked and disposed of by the City or solid waste contractor.

B. The owner of the property constituting the nuisance, if known, or owner or occupant of the premises where the nuisance existed, or his or her agent, shall be notified of the right to redeem the property pursuant to subsection 215.034.A, above. The notice shall be served in the manner outlined in Section 215.030 before the 90 day redemption period expires.

C. If the vehicle or miscellaneous personal items are unredeemed after the expiration of the 90 day, the authorized person may sell the vehicle or miscellaneous personal items to the highest bidder or, if it has no resale value, may otherwise dispose of it. Any money received from the sale or disposal of any vehicle or miscellaneous personal items shall be applied to the abatement expenses charged to the owner or person in charge thereof. Any money in excess of the actual costs of abatement and storage shall be returned to the owner or person in charge thereof provided that:

1. Prior to the sale or disposal of any nuisance property under the provisions of this section, authorized persons shall notify the owner or occupant of the premises where such nuisance exists or his or her agent in the manner outlined in Section 215.030 and shall provide to be posted in City Hall, the place of storage, and

D. The date and place of the sale;
E. A detailed description of the property.

The notice shall be published not less than ten, nor more than thirty days prior to the sale.

E. All officers of the Police force or other designated representative of the City are hereby authorized and required to go in the daytime in and upon any house, building, lot or premises, whether public or private, for the purpose of removing or abating any nuisance deemed to be dangerous to public health.

Section 215.040 Violation — Penalty.
{Ord. No. 517-90-558 — 9, 1-15-1990}

A. Any person who shall violate, neglect, fail or refuse to comply with any provisions or regulations or requirements of this Article shall on conviction thereof be guilty of committing, causing, keeping, maintaining or doing or causing or permitting to be committed, caused, kept or maintained or done a nuisance shall be punished, when no other penalty is specifically provided, by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), and if upon such trial it shall appear to the judge of the Municipal Court or Appellate Court that the nuisance complained of continues to exist, the judge of the Municipal Court or Appellate Court shall, in addition to the penalty herein provided for, make an order directing the Chief of Police or the Sheriff of the County, as the case may

Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri
Formatted: Font: (Default) Calibri
Formatted: Indent: Left: 0", First line: 0"

EXHIBIT A

~~be, to abate such nuisance forthwith and immediately report the expense thereof to such judge of the Municipal Court or Appellate Court who shall as a part of the cost of such prosecution render judgment against the defendant for the amount of such expense which shall be collected as other fines and costs.~~

~~B. For every day after the conviction of any person for the violation, failure or neglect or refusal to comply with any provision, regulation or requirement of this Chapter that such nuisance does continue, such person shall be deemed and taken to be guilty of a separate and distinct ordinance violation for which he/she may be again arrested, tried, convicted and punished as in the first (1st) instance.~~

Article II Weeds, Debris or Other Vegetation

Section 215.050 Debris Defined.

Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement. "Debris" includes 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 and/or any flammable material. The word "debris" also includes any other material which is found on any lot or land that is unhealthy or unsafe, by reason that such conditions may:

1. Cause a fire hazard;
2. Furnish cover for prowlers;
3. Create a nuisance with potential danger of injury on rocks, debris, holes, etc., covered by excess growth;
4. Obstruct visibility at street intersections;
5. Furnish a potential harborage or breeding place for disease-carrying insects, arthropods, animals and poisonous snakes.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

~~provided: (1) that it is described in detail in the notice that is required in Section 215.060 below; and (2) that the definition is not challenged by requesting a formal hearing as provided in Section 215.060 below. The provisions of this Section shall not apply to that portion of any undeveloped land which is located more than twenty-five (25) feet of the centerline of any adjacent street or alley, or which portion is located more than twenty-five (25) feet of the property line of residentially zoned property, or cultivated property, regardless of its zoning. The property owner or tenant must file a letter with the City notifying of the cultivated status of the property.~~

Section 215.051 Weeds, Etc., Over Seven Inches in Height Declared Nuisance Per Se.

The growth of weeds and other rank or uncultivated vegetation in excess of seven inches in height is declared to be a public nuisance, per se, detrimental to the health, safety or welfare of the public.

EXHIBIT A

Section 215.052 Permitting Growth of High Weeds, Grass, Etc, Prohibited

Formatted: Font: (Default) Calibri, Bold

A. It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any lot, piece of land, or any part of any lot, to allow weeds, other rank or uncultivated vegetation, or grass to attain a height greater than seven inches or more on: (i) any developed lot or land; or (ii) that portion or any undeveloped land which portion is located within 50 feet of the nearest edge of any adjacent street or alley, or which portion is located within 50 feet of the property line of residentially zoned property. That portion of undeveloped land located beyond these 50-foot areas may grow in excess of seven inches but no more than 12 inches.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

B. Whenever private property abuts a public right-of-way or easement belonging to the City, or any other public entity, and there exists in such right-of-way or easement a tree, lawn or grassy area between the private property line and the middle of said right of way or easement, then such tree, lawn or grassy area shall be considered, for purposes of this section, to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of those responsible under this section for the trimming of tree limbs to at least 12 feet above the public street, alley, street right-of-way, or alley right-of-way, sidewalk, or public place, and mowing, of the private lot to equally maintain the tree, lawn or grassy area within the abutting right-of-way or easement, and all of the provisions of this section shall apply with equal force and effect to said tree, lawn or grassy area.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

C. The provisions of this section shall not apply to publicly owned grassy medians, in addition to any other permitted property, any person who has a written permit to graze as provided by Section 215.030.

Formatted: Font: (Default) Calibri

The City shall cause the violation to be abated with costs assessed as set forth in Section 215.030. If a party timely appeals under Section 215.030, costs may be challenged.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

Section 215.060 Notice, Abatement; Order for Owner to Abate

Formatted: Heading 4

A. Enforcement of this Article shall be the responsibility of the Community Development Director. Whenever the code enforcement officer or other employee authorized by the City Administrator is made aware that a violation of Sections 215.050, 215.051, or 215.052 has occurred, the code enforcement officer or other employee authorized shall give 10 days' notice as authorized in Section 215.030 to the owner and occupant or person in possession of the premises where the violation exists, or to his or her agent, stating the nature of the violation and ordering the removal or abatement of violative weeds, or other rank vegetation nuisance. If the violation is not abated within 10 days of the notice, the City shall cause the violation to be abated with costs assessed as set forth in Section 215.030. If a party timely appeals under Section 215.030, costs may be challenged.

Formatted: Font: (Default) Calibri

Formatted: Font: (Default) Calibri

B. Any person served with a notice of violation has the right to a hearing as set forth in Section 215.030; however, the filing of an appeal shall not stay the abatement of weeds or other rank vegetation. Enforcement shall commence by providing notice to the owner of the property of the nuisance condition existing on his/her/its property. The notice may be delivered by personal service or by certified mail with ordinary mail.

EXHIBIT A

C. If weeds, or other rank vegetation are allowed to grow on the same property in violation of a provision in Article II of this chapter more than once during the same growing season, and the City has provided at least one notice of violation in accordance with Subsection A. of this Section, the code enforcement officer or other employee authorized may, without further notification, have the weeds, or other rank vegetation removed, cut or abated, and the cost of the same shall be billed and collected as provided in Section 215.030. The provisions of this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

Formatted: Font: (Default) Calibri

Section 215.065 Abatement by City; Collection of Costs Thereof

In case the party responsible for abating or remedying the weeds, or other rank vegetation identified as being nuisances or in violation of Sections 215.050 through 215.060 has not removed or abated or otherwise brought the violation into compliance with this chapter within the 10 day abatement period set forth in subsection 215.060. A., the code enforcement officer or other employee authorized shall have the weeds or rank vegetation, cut down and removed or otherwise abated to bring such areas into compliance with this chapter. All costs of abatement shall be collected as provided in Section 215.030.

- ~~1. The notice shall generally describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of ten (10) days, abate the nuisance.~~
- ~~2. Any owner who wishes to challenge the order of abatement may do so, provided that within the ten (10) day period he/she/it requests a hearing on the validity of the order under the State Administrative Procedure Act, Chapter 536, RSMo. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the Board of Aldermen.~~

~~The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his/her/its right to request such hearing shall be given by including a copy of this Article with any notice sent under authority of this Section. Once a request for a hearing is received, the hearing shall be conducted in accordance with the "contested case" provisions of the State Administrative Procedure Act. The City Attorney shall represent the City at such a hearing.~~

Formatted: Indent: Left: 0", Hanging: 0.33", Space Before: 2 pt, After: 12 pt

- ~~3. If overgrown vegetation and/or noxious weeds are allowed to grow on the same property in violation of a provision in Article II of this Chapter more than once during the same growing season, and the City has provided at least one (1) notice of violation in accordance with Subsection (A) of this Section, the City may, without further notification, have the overgrown vegetation or noxious weeds cut or abated, and the cost of the same shall be billed and collected as provided in Section 215.070.~~

~~Section 215.070 Abatement of Nuisance-~~

~~{Ord. No. 756-97 §4, 11-4-1997; Ord. No. 1524-2023, 4-3-2023}~~

Formatted: Body Text, Indent: Left: 0", Hanging: 0.33", Space Before: 2 pt, After: 12 pt

~~If the nuisance is present on the property ten (10) days, the enforcement officer shall cause the same to be abated. The costs of abatement may include a fee for the City's costs in administering this Article, which fee shall not exceed one hundred dollars (\$100.00), plus the cost of abatement. The enforcement official shall certify the cost of such abatement to the City Clerk or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill and added to the~~

EXHIBIT A

annual real estate tax bill, at the collecting official's option, and shall be collected in the same manner and procedure as for collecting real estate taxes. The special 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 from the date the tax bill is delinquent until paid. The tax bill shall be prima facie evidence of the recitals therein and of its validity and no mere clerical error or informality of the same, or in the proceedings leading up to the issuance, shall be a defense thereto. The special tax bill, if not paid when due, shall bear interest at the rate of twelve percent (12%) per annum.

Section 215.080 Violation Is An Ordinance Violation — Penalty.

{Ord. No. 756-97-555 — 6, 11-4-1997}

- A. An owner who fails to remove a nuisance within ten (10) days of being notified to do so by the notice/abatement order described in Section 215.050 above shall be guilty of an ordinance violation and may (at the option of the City) be charged in Municipal Court with the ordinance violation of "failure to abate a nuisance." [Ord. No. 1524-2023, 4-3-2023]
- B. Penalty. Any person violating the provisions of this Article shall upon conviction be fined a sum not in excess of ten hundred dollars (\$1000).

City of
Municipal Court

COURT USE ONLY
FILED IN CASE NO. _____

ABANDONED PROPERTY

Any motor vehicle, as defined in this Article, which is impounded and left unattended and subject to removal from public or private property as provided in this Article, whether or not operated, or any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

PERSON

Any natural person, corporation, or other legal entity.

RIGHT-OF-WAY

The entire width of land between the boundary lines of a public road or State highway, including any roadway.

ROADWAY

That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

TOWING COMPANY

Any person or entity which tows, removes or stores abandoned property.

EXHIBIT A

~~Section 215.100 Abandoned Vehicles Prohibited.~~

~~{Ord. No. 874-01-52, 10-1-2001}~~

~~No person shall abandon any motor vehicle on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent.~~

~~Section 215.110 Open Storage of Inoperable Vehicles or Public Safety Hazards Prohibited.~~

~~{Ord. No. 874-01-53, 10-1-2001}~~

~~The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.~~

~~Section 215.120 Obstructing The Flow of Traffic Prohibited.~~

~~{Ord. No. 874-01-54, 10-1-2001}~~

~~Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).~~

~~Section 215.130 Towing of Abandoned Property On Public Real Property.~~

~~{Ord. No. 874-01-55, 10-1-2001}~~

- ~~A. Any Law Enforcement Officer or an official of the City where the City's real property is concerned may authorize a towing company to remove to a place of safety:~~
- ~~1. Any abandoned property on the right-of-way of any State highway or interstate highway or freeway or City street or right-of-way left unattended for more than forty-eight (48) hours provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;~~
 - ~~2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;~~
 - ~~3. Any abandoned property which has been abandoned under Section 577.080, RSMo.;~~
 - ~~4. Any abandoned property which has been reported as stolen or taken without consent of owner;~~
 - ~~5. Any abandoned property for which the person operating such property is arrested for an alleged ordinance violation for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;~~

EXHIBIT A

6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
8. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
9. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow along with a crime inquiry and inspection report.

Section 715.140 Towing of Abandoned Property On Private Real Property. {Ord. No. 874-01-56, 10-1-2001}

- A. Generally, The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 715.110 or are derelict, junk, scrapped, abandoned, or otherwise in violation of the applicable laws of the City. The City shall not be responsible for the removal of such property from real property pursuant to Section 715.140, when a City agency other than Police Department authorizes a tow.
- B. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.
 1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
 - a. Sign. There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) inches by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency

EXHIBIT A

information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

- b. ~~Unattended on owner-occupied residential property. The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department and ten (10) hours have elapsed since that notification; or~~
- c. ~~Unattended on other private real property. The abandoned property is left unattended on private real property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department and ninety-six (96) hours have elapsed since that notification.~~
- 2. ~~Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060 RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:~~
 - a. ~~The year, model, make and property identification number of the abandoned property and the owner and any lienholder, if known;~~
 - b. ~~A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;~~
 - c. ~~The license plate or registration number and the State of issuance, if available;~~
 - d. ~~The physical location of the property and the reason for requesting the property to be towed;~~
 - e. ~~The date the report is completed;~~
 - f. ~~The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;~~
 - g. ~~The towing company's name and address;~~
 - h. ~~The signature of the towing operator;~~
 - i. ~~The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;~~
 - j. ~~Space for the name of the law enforcement agency notified of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and~~
 - k. ~~Any additional information the Missouri Director of Revenue deems appropriate.~~
- 3. ~~Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or~~

EXHIBIT A

other device which produces a near-exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a

copy of this information to the owner of the property by a first-class mail letter to the Department of

Revenue, and the towing company shall knowingly and voluntarily accept the liability for the removal of the property from the private real property of the owner.

6. The towing company shall be liable for the removal of the property from the private real property of the owner if the towing company does not comply with the requirements of this Article.

7. The towing company shall be liable for the removal of the property from the private real property of the owner if the towing company does not comply with the requirements of this Article, including the liability for the removal of the property from the private real property of the owner in the direction of the landowner shall be responsible for:

- a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
- b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. **Damage To Property.** The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. **Real Property Owner Liability.** Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.
- f. **Written Authorization Required — Delegation Of Authority To Tow.**

1. Except for the removal of abandoned property authorized by the City Police Department pursuant to

EXHIBIT A

~~this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.~~

- ~~2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.~~
- ~~G. Towing Company Liability. Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.~~

~~Section 215.150 General Provisions and Procedures. {Ord. No. 874-01 §7, 10-1-2001}~~

- ~~A. Payment Of Charges. The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 215.160.~~
- ~~B. Crime Inquiry And Inspection Report. Upon the towing of any abandoned property pursuant to Section 215.130 or under authority of a Law Enforcement Officer or local government agency pursuant to Section 215.140, the City Police Department, where it authorized such towing or was properly notified by another government agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.~~

~~If the abandoned property is not claimed within ten (10) working days of the towing, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:~~

- ~~1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;~~
- ~~2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;~~
- ~~3. The license plate or registration number and the State of issuance, if available;~~
- ~~4. The storage location of the towed property;~~
- ~~5. The name, telephone number and address of the towing company;~~

EXHIBIT A

- 6. The date, place and reason for the towing of the abandoned property;
- 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
- 8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
- 9. Any additional information the Missouri Director of Revenue deems appropriate.

C. Reclaiming Property. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property;

D. Lienholder Repossession. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, or other vehicle, the lienholder shall provide the Missouri Department of Revenue with the following information: (1) the name and address of the lienholder; (2) the date of repossession; (3) the date of the towing; (4) the date of the storage; (5) the date of the sale; (6) the date of the lienholder's receipt of the vehicle; and (7) the date of the lienholder's receipt of the proceeds from the sale of the vehicle. The Missouri Department of Revenue shall use this information to determine if the lienholder is entitled to a refund of the sales tax paid on the vehicle. The Missouri Department of Revenue shall also use this information to determine if the lienholder is entitled to a refund of the sales tax paid on the vehicle.

Notice of Lienholder Repossession. A lienholder who repossesses any motor vehicle, trailer, all-terrain vehicle, or other vehicle shall provide the Missouri Department of Revenue with a notice of repossession. The notice shall be provided to the Missouri Department of Revenue within five business days of the repossession. The notice shall contain the following information: (1) the name and address of the lienholder; (2) the date of repossession; (3) the date of the towing; (4) the date of the storage; (5) the date of the sale; (6) the date of the lienholder's receipt of the vehicle; and (7) the date of the lienholder's receipt of the proceeds from the sale of the vehicle. The Missouri Department of Revenue shall use this information to determine if the lienholder is entitled to a refund of the sales tax paid on the vehicle. The Missouri Department of Revenue shall also use this information to determine if the lienholder is entitled to a refund of the sales tax paid on the vehicle.

- 1. The name, address and telephone number of the storage facility;
- 2. The date, reason and place from which the abandoned property was removed;
- 3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
- 4. A statement that the storage firm claims a possessory lien for all such charges;
- 5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
- 6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;

EXHIBIT A

7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. Physical Search Of Property. In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
 2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
 3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
 4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. Petition In Circuit Court. The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. Notice To Owner. Notice as to the removal of any abandoned property pursuant to this Section shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
 2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage, if available, shown on the

Formatted Table

EXHIBIT A

abandoned property at the time of removal.

I. ~~Tow Truck Requirements.~~ Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.

Formatted: Font (Default) Calibri

J. ~~Storage Facilities.~~ Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

Section 215.160 Maximum Charges.

{Ord. No. 874-01-58, 10-1-2001}

A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.

B. ~~Hourly Storage Charges.~~ From Time to Time, the City shall determine the reasonable storage charges for abandoned property towed without the consent of the owner. Such charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Any violation of this Article by a towing company shall be cause for revocation of the license to operate as a towing company. The maximum storage charge for a vehicle shall not exceed \$15.00 per day.

C. ~~Storage Charges for Abandoned Property.~~ The City shall determine the reasonable storage charges for abandoned property towed without the consent of the owner. Such charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Any violation of this Article by a towing company shall be cause for revocation of the license to operate as a towing company. The maximum storage charge for a vehicle shall not exceed \$15.00 per day.

Section 215.170 Sale of Abandoned Property By City.

{Ord. No. 874-01-59, 10-1-2001}

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301-718, RSMo., or Section 301-560, RSMo., or for any other person.

Article IV

~~Leaving Disabled or Damaged Motor Vehicle or Junk On Street or Private Property — Nuisance~~

Section 215.180 Definitions.

{Ord. No. 482-88-51, 3-21-1988}

EXHIBIT A

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

ENCLOSED AREA

Any area which is inaccessible to the public view.

JUNK

Any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or any scrap or salvage materials.

PROPERTY

Any real property within the City or any City property within or without the corporate limits which is not a street or highway.

STREET OR HIGHWAY

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLES

A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon, or any part or portion thereof.

~~Section 215.190 Public Nuisances Defined and Prohibited — Penalties For Violation For Prohibition. {Ord. No. 482-88-52, 3-21-1988; Ord. No. 892-02-51, 1-21-2002}~~

~~A. It shall be unlawful for any reason to cause, allow or permit any of the following objects or conditions to exist upon property owned, leased, rented, controlled or occupied by such person, (unless such objects are within an enclosed area) or on or along any public street, all of which are hereby declared to be public nuisances: {Ord. No. 1524-2023, 4-3-2023}~~

- ~~1. Junk as defined in this Article;~~
 - ~~2. Any vehicle which has been wrecked and is not immediately operable;~~
 - ~~3. Any partially dismantled vehicle whether or not operable;~~
 - ~~4. Any parts or components of vehicles including, but not limited to, tires, wheels, vehicle bodies, frames or parts, or vehicle motors and engines;~~
 - ~~5. Any vehicle which is not immediately operable under its own power or which does not have displayed on it a current State registration or license plate and which is allowed to remain for more than seventy-two (72) hours, except when located within a garage, building or carport.~~
- ~~B. Every person convicted of violating this Section shall be punished by imprisonment for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment.~~

EXHIBIT A

~~Section 215.200 Service and Contents of Abatement Notice.
{Ord. No. 482-88-53, 3-21-1988; Ord. No. 1524-2023, 4-3-2023}~~

~~Whenever the Director of Police Services, Director of Community Development or a duly authorized representative shall determine that any vehicle or junk is a nuisance as defined herein, such official shall thereupon cause written notice to be served on the owner of the vehicle or junk if he/she can be located or the person in custody of such vehicle or junk by mail or by personal service. Such notice shall state that such vehicle or junk is deemed to be a nuisance within the provisions of Section 215.190 and shall briefly state the facts which are deemed to make such vehicle or junk a nuisance within the terms of this Article and further state that such nuisance shall be abated within ten (10) days from receipt of such notice.~~

~~Section 215.210 Duty of Owner To Remove — Removal By City At Expense of Owner, Etc. — Application of Money Received From Disposal.
{Ord. No. 482-88-54, 3-21-1988; Ord. No. 1524-2023, 4-3-2023}~~

~~It shall be the duty of any person receiving the notice provided for in this Article to comply with the provisions of the notice and to abate such nuisance within ten (10) days after the date of the receipt of such notice. If such person shall fail to comply with such provisions within ten (10) days from receipt of such notice, such failure to comply shall be deemed to be a violation and such violation shall be cause for and disposed of at the discretion of the Director of Police Services, Director of Community Development or a duly authorized representative of the City at the expense of the owner as provided in this Article. If a person is notified by the City of such violation of such provisions of this Article, such person shall be deemed to be in violation of this Article if such person fails to comply with the provisions of this Article within ten (10) days from receipt of such notice.~~

Section 215.220 (Reserved)

Article Marijuana

Formatted: Font: (Default) Calibri

Section 215.225 Marijuana Odors And Smoke Declared To Be A Nuisance.

Any medical marijuana facility or comprehensive marijuana facility authorized by Article XIV of the Missouri Constitution which generates marijuana smoke or odor that is capable of being detected by a person of ordinary senses (including, but not limited to, any Police Officer) beyond the property line of the facility is hereby declared to be a nuisance. In addition to any other remedy provided for the abatement of nuisances, the City may revoke the business license of any such facility for violation of this Section after notice and the opportunity for a hearing.

Chapter 232 Public Tree Care

Section 232.060 Pruning.

- A. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ~~eight (8)~~ at least twelve (12) feet above the ~~surface of public street, alley, street right-of-way, or alley right-of-way, sidewalk, or~~

EXHIBIT A

public place. A clearance of 12 feet must be maintained over streets and alleys. Property owners are responsible for trees on their own property and within the abutting right-of-way or easement belonging to the City, or any other public entity.

- B. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with visibility of any traffic control device or sign or poses a threat to public health, safety or general welfare.
- C. All pruning of City trees shall be done in accordance with the latest version of ANSI A300 Tree, Shrub and Other Woody Plant Maintenance Standard Practices.

Chapter 510 Streets, Sidewalks, Rights-Of-Way, and Other Public Places

Article II – Abandoned Vehicles and Other Personal Property

Section 510.100 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Highway means the entire width between the right-of-way lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Right-of-way means generally public property vested in the city and trust for the citizens, in fee or easement, to which the public has a right to access and use for the purpose intended by the dedication, including but not limited to, the area on, below or above a public sidewalk, roadway, highway, street or alleyway in which the city has an ownership interest, but not including:

- (1) The airwaves above a public right-of-way with regard to cellular or other non-wire telecommunications or broadcast service;
- (2) Easements obtained by utilities or private easements in platted subdivisions or tracts;
- (3) Railroad rights-of-way and ground utilized or acquired for railroad facilities; or
- (4) Poles, pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a utility owned or operated by a governmental entity pursuant to RSMo Chapter 91.

EXHIBIT A

Street means the pavement and sub-grade of a city access, local, collector or arterial roadway.

Vehicle means every device in, upon, or by which any person or property is or may be transported, hauled or drawn upon a highway, street or right-of-way, including, but not limited to, trailers and mobile homes, excepting devices moved by human power or use exclusively upon stationary rails or tracks.

Section 510.105 Authority to Remove and Store Generally; Cost of Removal and Storage

- A. The Police Department is hereby authorized in its discretion, in addition to any penalty that may be provided therefore, to remove any stolen, wrecked or abandoned motor vehicle or any other vehicle parked in violation of any provision of this Code or other personal property found upon any public right-of-way or other public property in the City and shall keep the same in its custody and control at such place as may be designated by said Police Department until redeemed by the owner thereof, as hereinafter provided; and also such stolen, wrecked or abandoned motor vehicles or other personal property which now is in the possession and custody of said Police Department or which may hereafter come into its possession shall be subject to the actual cost of removal or tow-in from the public place, and storage charge, \$5.00 per day in the amount of \$5.00 per day as long as the same is in the possession and custody of said department or the city.
- B. The storage charge shall include the charge for storage by the city and shall not apply to storage by any private tow agency duly authorized by the city to provide tow services to vehicles which may be impounded by a police officer.

Highways

Whenever it is necessary to remove or impound a vehicle or other personal property from a right of way, street or highway to a garage, storage yard, or other place of safety under the circumstances here and after enumerated:

- A. When any vehicle is left unattended upon any bridge, right-of-way, street, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
- B. When a vehicle upon a right-of-way, highway or street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- C. When any vehicle is left unattended upon a street or right-of-way and is parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic or is blocking a driveway that does not belong to the owner of the vehicle.
- D. Upon the failure of the owner or operator of a vehicle left upon any right-of-way, street, or highway to have same removed or cause to be removed from said right-of-way, street, or highway upon the request of a police officer when said vehicle constitutes a definite hazard or obstruction to the normal movement of traffic upon said right-of-way, street, or highway.
- E. When a vehicle is parked on the streets or rights-of-way in the same place continuously for 48 hours

EXHIBIT A

and a ticket has been affixed to the vehicle or presented to the owner or operator.

- F. When the driver of any vehicle is taken into custody by the Police Department and such vehicle would thereby be left unattended upon a street or right-of-way.
- G. When any vehicle is found being driven on the streets or rights-of-way that is not in proper condition to be driven.
- H. When any vehicle is found being on the street or rights-of-way, and the driver, owner or person in charge of such vehicle, while driving or in charge of such vehicle, or while such vehicle was parked or stopped, has received a summons to answer to a charge against him or her for violation of a traffic ordinance, and such driver, owner or person in charge has failed to appear and answer to such charge within the specified time.
- I. When any vehicle or personal property is directly interfering with the maintenance and care or the emergency use of the streets or rights-of-way by any proper department of the city.
- J. When a stolen, wrecked or abandoned motor vehicle or other personal property is found on a public right-of-way, street or highway.
- K. When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.

Section 510.115 Notice to Owner of Removed Vehicle

Whenever an officer removes a vehicle from a right-of-way, street or highway as authorized in this article and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed unless said owner is present at the time of towing. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Section 510.120 Notice to State When Vehicle Owner Unknown

Whenever an officer removes a vehicle from a right-of-way or street under this article and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of 10 days, then the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored in accordance with RSMo 304.155.

Section 510.125 Redemption Before Sale Authorized, Owner May Claim Proceeds of Sale

Any person claiming to be the owner of any impounded property, as in this article provided, shall make written application therefore to the Police Department on forms furnished by the City Clerk and shall furnish to said Police Department such additional proof as may be required to establish said ownership. If he or she shall present to said Police Department said proof of his or her ownership of

EXHIBIT A

said impounded property prior to the date of actual sale thereof pursuant to the provisions of this article, then the property itself shall be delivered to said owner under the conditions here and provided; but if said property has been sold, then said department shall endorse its findings of ownership with a copy of the written application addressed to the City Clerk and said owner may present said application and findings to the City Clerk and if presented within one year after said sale, then such balance of the proceeds of sale, after deductions as in this article provided, shall be paid to said owner.

Section 510.130 Procedure for Redemption Before Sale

An accepting payment for removal and storage charges as provided in the foregoing sections, after proof of ownership and before sale, the Police Department shall give the person applying for the motor vehicle a receipt showing the amount paid. The collections of each day shall be paid to the city collector on or before the close of his or her office on the following day. For the purpose of collecting redemption payments, issuing receipts therefore and accounting for the proceeds thereof, the Police Department shall appoint one or more of their officers or employees as impounding officers or employees; any officer shall be to receive such payment, issue receipt, therefore, and account for said proceeds, to the exclusion of all other officers or employees. A bond in favor of the city and county, all of said impounding officers, in the amount as designated in the direction of the Board of Aldermen, shall be provided by the Police Department, subject to the approval of the City Clerk as to its terms and its surety, and after execution said bond shall be deposited with the City Clerk.

At the time of the sale of any property, the proceeds of the sale shall be deposited with the City Clerk, and the balance of said sum, if any, shall be deposited with the City Clerk and shall be kept in a separate fund for a period of one year from the date of the receipt, and if at the end of said year the former owner of said property has not made satisfactory proof of claim as herein provided, then the balance of said proceeds of sale shall be credited to the General Fund of the City.

Section 510.140 Procedure for Sale

On the first day of each month the Police Department shall forward to the City Clerk a copy of its official description and all other pertinent information which may be required by the City Clerk concerning each motor vehicle or other personal property which has been impounded under the provisions of this article and held for a period of 30 days unredeemed by its owner, and thereafter at such interval as the City Clerk may determine, public sale shall be held as here and after required, but immediately before the actual making of any sales, the City Clerk shall submit his or her list to the Police Department of properties to be sold, for the elimination of any impounded articles redeemed and returned to their owners but included within the published advertisement for sale, and immediately after said sale, the City Clerk shall report to the Police Department a complete list of all the properties sold, including the sale price, all charges as herein provided and the balance, if any,

EXHIBIT A

available to the owner.

Section 510.145 Advertisement of Sale

Whenever the City Clerk, under his or her direction, shall decide to offer impounded properties for sale, he or she shall publish set sale at least once in a newspaper of general circulation within the City, at least 15 days before said sale. Such publication shall briefly describe the property and, where motor vehicles are to be sold, shall give the manufacturers name, model and motor number.

Section 510.150 Appeal

Any appeal from the removal, storage and publications costs, if any have been assessed by the Police Department, shall be to the Board of Aldermen. Such appeal shall be made within 14 days of the publication date of the advertisement of sale by filing a written statement of appeal with the City Clerk setting forth the grounds for the appeal.

Formatted: Indent: Left: 0.33", Space Before: 2 pt, After: 12 pt

Formatted: Font: (Default) Calibri