

AN ORDINANCE AMENDING THE LAKE SAINT LOUIS MUNICIPAL CODE TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 220 NUISANCES, ARTICLE II PUBLIC AND PRIVATE PROPERTY – MAINTENANCE AND APPEARANCE, SPECIFICALLY RELATING TO ABATEMENT OF NUISANCES.

WHEREAS, the City of Lake Saint Louis proposes text amendments to Municipal Code Title II: Public Health, Safety and Welfare to update City staff's involvement in the procedure for abatement of nuisances, specific to notices and hearings; and

WHEREAS, as the City has grown over time in terms of staff and population, it was determined that the public would be best served with the Chief Building Official in this position; and

WHEREAS, upon due consideration, the Board of Aldermen finds and determines that the public health, safety and general welfare would be best served by approving the text amendment as hereinafter provided.

NOW, THEREFORE, be it ordained by the Board of Aldermen for the City of Lake Saint Louis, Missouri, as follows:

SECTION 1. The following provisions of Title II: Public Health, Safety and Welfare of the Lake Saint Louis Municipal Code are hereby amended as documented below (additions in bold, deletions struck through):

Title II Public Health, Safety and Welfare

Chapter 220 Nuisances

Section 220.140 Investigation of Complaints, Abatement Without Notice.

Procedure For Giving Notice To Abate. The Director of Community Development or Code Enforcement Officer, upon complaint of any nuisance, shall cause the same to be investigated by any of the officers named in this Article or may himself/herself investigate such complaint. If any nuisance is discovered which is imminently dangerous to the health, safety and welfare of the inhabitants of the City, the Director of Community Development may cause the same to be abated without notice and may use any suitable means or assistance for that purpose. In any other case, the Director of Community Development shall not proceed to abate any nuisance until the ~~Police~~ **Chief Building Official** shall have given notice to the property owner, his/her agent or the occupant or posted notice on the property of the conditions of the nuisance complained of and shall have held a hearing thereon not less than five (5) days following the delivery of the notice specifying the day, hour and place of hearing and shall, after such hearing, have declared the conditions to constitute a nuisance and shall abatement by the ~~Police~~ **Chief Building Official** shall fix a time for such abatement by the owner, his/her agent or occupant, and if not complied within such time, the Director of

Community Development may proceed to abate the nuisance using any suitable means or assistance for the purpose.

Section 220.150 Records of Proceedings in Abatement Cases.

The ~~Police-Chief~~ **Building Official** shall keep a record of proceedings in cases of abatement of nuisances ordered by either of them.


Section 220.160 Appearance of Interested Persons At Hearings.


- A. At hearing before the ~~Police-Chief~~ **Building Official** relating to the abatement of nuisances, as provided for in this Article, the interested persons may appear in person, by attorney or may file an affidavit in their own behalf.
- B. Any owner who wishes to challenge the order of abatement may do so provided that within the seven (7) day period he/she they 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 Building Appeals Board.
- C. The request for a hearing must be in writing, but otherwise no particular formality is required. Notice to the property owner of his/her right to request such hearing shall be given by including a copy of this Article with any notice sent under authority of this Article. Once a request for a hearing is received, the hearing shall be conducted in accordance with the "contested case" provision of the State Administrative Procedure Act. The City Attorney shall represent the City at such hearing.


SECTION 2. All other sections shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 6th DAY OF May, 2024


Justin Hensley, Mayor Pro Tem

ATTEST: 
Donna F. Daniel, City Clerk

APPROVED AS TO FORM: 
Matthew Reh, City Attorney