

ORDINANCE REPEALING SECTION 240.050
AND ENACTING IN ITS PLACE A NEW SECTION 240.050

WHEREAS, Section **240.050** of the Ordinances of the Lake Waukomis currently contain Abatement procedures, and said subsections need to be updated.

WHEREAS, the Mayor and Board of Alderman wish to adopt new Section 240.050 changing the reference from the “Marshal” to the “Mayor” in the following forms:

Section 240.050 Declaration and Termination of Parking Emergency — Interfering With Snow Removal Operations.

A.

Whenever snow has accumulated to such a depth upon the streets of the City that snow removal operations are necessary by the City for the removal of such snow from the streets, the ~~Marshal~~ **Mayor** shall declare a parking emergency upon such streets. Such parking emergency shall be terminated by a declaration of the ~~Marshal~~ **Mayor** immediately upon the removal of all snow from the streets of this City by the proper City Officials, their agents, employees and contractors.

B.

It shall be unlawful for any person in the control and possession of a motor vehicle to stand or park such motor vehicle upon all or any portion of any street within the City so as to hinder or interfere with the removal of snow from such streets, alleys or avenues by the officials of this City, their agents, employees and contractors.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE LAKE WAUKOMIS, MISSOURI AS FOLLOWS:**

Effective immediately the current version of SUBSECTIONS D OF SECTION **240.050** of the Municipal Ordinances of the Lake Waukomis is repealed, and the new **SECTION 240.050** of the Municipal Ordinances of the Lake Waukomis is enacted, effective immediately, which shall read as follows:

Section 240.050 Declaration and Termination of Parking Emergency — Interfering With Snow Removal Operations.

A.

Whenever snow has accumulated to such a depth upon the streets of the City that snow removal operations are necessary by the City for the removal of such snow from the streets, the Mayor shall declare a parking emergency upon such streets. Such parking emergency shall be terminated by a

BILL NO. _____

ORDINANCE NO. 584⁹

ORDINANCE REPEALING SUBSECTION D OF SECTION 215.010
AND ENACTING IN ITS PLACE A NEW SUBSECTION D OF SECTION 215.010 and
REPEALING SUBSECTION C OF SECTION 215.100
AND ENACTING IN ITS PLACE A NEW SUBSECTION C OF SECTION 215.100

WHEREAS, Subsection D Of Section 215.010 and Subsection C of Section 215.100 of the Ordinances of the Lake Waukomis currently contain Abatement procedures, and said subsections need to be updated.

WHEREAS, the Mayor and Board of Alderman wish to adopt new Subsection D Of Section 215.010 and Subsection C of Section 215.100, in the following forms:

Section 215.010 Nuisances Affecting Health.

D.

Abatement — Procedure Generally. In addition to the ordinance violation described in Subsection A above, whenever the Mayor receives notification that a nuisance may exist, the Mayor shall proceed as follows, except as may be otherwise provided herein:

1.

The Mayor shall investigate the same. The Mayor may order any person who has caused or is maintaining the nuisance to appear before the Mayor at such time and place as the Mayor may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear for a hearing before the Mayor shall have at least ten (10) days' notice thereof.

2.

Such notice shall be signed by the Mayor and shall be served upon that person by either personally or by first class United States mail to the person creating or maintaining the nuisance, the owner or owners, or the owner's agents, or by posting such notice on the premises, , or upon any corporation, Limited Liability Company or other similar entity by delivering the copy thereof to the President, registered agent or to any other officer at any business office of the corporation within or without the City.

8. If the Mayor determines that a nuisance exists, and orders the person to abate the nuisance as set forth in D(3) above, such person may appeal the decision to the City to the Board of Alderpersons so long as the appeal is filed in writing with the City Clerk prior to the end of the abatement period as set forth in the Mayor's order. The Board of Alderpersons shall hear the appeal and uphold or overturn the decisions of the Mayor or make such modifications as deemed appropriate.

If the Mayor's Decisions is upheld and/or abatement otherwise ordered by the Board of Alderpersons, such person may, within ten (10) days from the mailing of the order of the Board of Alderpersons, appeal such decision to the Circuit Court of Platte County.

Section 215.100 Debris On Property — Effect Of Failure To Remove Nuisance — Penalties.

C.

Abatement — Procedure Generally. In addition to the ordinance violation described in Subsection A above, whenever the Mayor receives notification that a nuisance may exist, the Mayor shall proceed as follows, except as may be otherwise provided herein:

1.

The Mayor shall investigate the same. The Mayor may order any person who has caused or is maintaining the nuisance to appear before the Mayor at such time and place as the Mayor may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear for a hearing before the Mayor shall have at least ten (10) days' notice thereof.

2.

Such notice shall be signed by the Mayor and shall be served upon that person by either personally or by first class United States mail to the person creating or maintaining the nuisance, the owner or owners, or the owner's agents, or by posting such notice on the premises, , or upon any corporation, Limited Liability Company or other similar entity by delivering the copy thereof to the President, registered agent or to any other officer at any business office of the corporation within or without the City.

3.

If after hearing all the evidence the Mayor may determine that a nuisance exists, the Mayor may order the person to abate the nuisance within five (5) days or within such other time as the Mayor

appeal and uphold or overturn the decisions of the Mayor or make such modifications as deemed appropriate.

If the Mayor's Decisions is upheld and/or abatement otherwise ordered by the Board of Alderpersons, such person may, within ten (10) days from the mailing of the order of the Board of Alderpersons, appeal such decision to the Circuit Court of Platte County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE LAKE WAUKOMIS, MISSOURI AS FOLLOWS:

Effective immediately the current version of SUBSECTIONS D OF SECTION 215.010 and C of Section 215.100 of the Municipal Ordinances of the Lake Waukomis are repealed, and the new **SUBSECTIONS D OF SECTION 215.010 and C of SECTION 215.100** of the Municipal Ordinances of the Lake Waukomis are enacted, effective immediately, which shall read as follows:

Section 215.010 Nuisances Affecting Health.

D.

Abatement — Procedure Generally. In addition to the ordinance violation described in Subsection A above, whenever the Mayor receives notification that a nuisance may exist, the Mayor shall proceed as follows, except as may be otherwise provided herein:

1.

The Mayor shall investigate the same. The Mayor may order any person who has caused or is maintaining the nuisance to appear before the Mayor at such time and place as the Mayor may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear for a hearing before the Mayor shall have at least ten (10) days' notice thereof.

2.

Such notice shall be signed by the Mayor and shall be served upon that person by either personally or by first class United States mail to the person creating or maintaining the nuisance, the owner or owners, or the owner's agents, or by posting such notice on the premises, , or upon any corporation, Limited Liability Company or other similar entity by delivering the copy thereof to the President, registered agent or to any other officer at any business office of the corporation within or without the City.

8. If the Mayor determines that a nuisance exists, and orders the person to abate the nuisance as set forth in D(3) above, such person may appeal the decision to the City to the Board of Alderpersons so long as the appeal is filed in writing with the City Clerk prior to the end of the abatement period as set forth in the Mayor's order. The Board of Alderpersons shall hear the appeal and uphold or overturn the decisions of the Mayor or make such modifications as deemed appropriate.

If the Mayor's Decisions is upheld and/or abatement otherwise ordered by the Board of Alderpersons, such person may, within ten (10) days from the mailing of the order of the Board of Alderpersons, appeal such decision to the Circuit Court of Platte County.

Section 215.100 Debris On Property — Effect Of Failure To Remove Nuisance — Penalties.

C.

Abatement — Procedure Generally. In addition to the ordinance violation described in Subsection A above, whenever the Mayor receives notification that a nuisance may exist, the Mayor shall proceed as follows, except as may be otherwise provided herein:

1.

The Mayor shall investigate the same. The Mayor may order any person who has caused or is maintaining the nuisance to appear before the Mayor at such time and place as the Mayor may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear for a hearing before the Mayor shall have at least ten (10) days' notice thereof.

2.

Such notice shall be signed by the Mayor and shall be served upon that person by either personally or by first class United States mail to the person creating or maintaining the nuisance, the owner or owners, or the owner's agents, or by posting such notice on the premises, , or upon any corporation, Limited Liability Company or other similar entity by delivering the copy thereof to the President, registered agent or to any other officer at any business office of the corporation within or without the City.

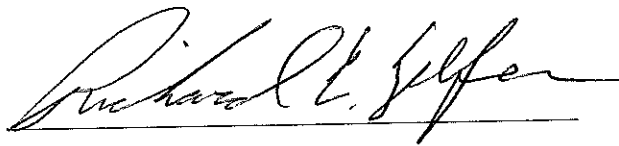
3.

If after hearing all the evidence the Mayor may determine that a nuisance exists, the Mayor may order the person to abate the nuisance within five (5) days or within such other time as the Mayor

appeal and uphold or overturn the decisions of the Mayor or make such modifications as deemed appropriate.

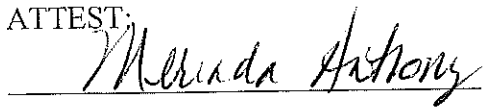
If the Mayor's Decisions is upheld and/or abatement otherwise ordered by the Board of Alderpersons, such person may, within ten (10) days from the mailing of the order of the Board of Alderpersons, appeal such decision to the Circuit Court of Platte County.

PASSED THIS 10 DAY OF JANUARY 2023.

A handwritten signature in cursive script, reading "Richard L. Zelfer", written over a horizontal line.

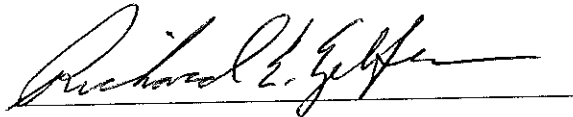
RICK ZELFER, MAYOR

ATTEST:

A handwritten signature in cursive script, reading "Miranda Anthony", written over a horizontal line.

CITY CLERK

APPROVED THIS 10 DAY OF JANUARY, 2023.

A handwritten signature in cursive script, reading "Richard L. Zelfer", written over a horizontal line.

RICK ZELFER, MAYOR