

**AN ORDINANCE REPEALING NUISANCE SECTIONS AND REPLACING SAID SECTIONS WITH ENUMERATED NUISANCES, AUTHORIZING PROSECUTION AND ABATEMENT BY THE CITY AT THE VIOLATOR'S COST**

WHEREAS, the City of Mount Vernon is charged with the maintenance and preservation of the City of Mount Vernon for the general welfare of its citizens, and

WHEREAS, the City of Mount Vernon already has code controlling nuisance, and

WHEREAS, the nuisance section of the Mount Vernon City Code needs amended for clarity, consistency and to assist in carrying out enforcement of violations of the nuisance code, and

WHEREAS, the City of Mount Vernon, believes it is in the best interests of the City and its citizens to repeal the current nuisance code and replace it with an enumerated code, authorizing prosecutions and abatement by the city at the violator's cost,

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

SECTION ONE. The City of Mount Vernon repeals all former ordinances passed involving nuisance and replaces all said ordinance with the following Sections and law:

**“Section 215.010. Creating, Allowing Prohibited**

It shall be unlawful for any person to create, cause, permit or allow a nuisance to exist or be maintained within the City.

**Section 215.020 Enumeration Of Public Nuisances.**

A. In addition to those nuisances named and defined in other Sections of this Code, the following are hereby declared to be public nuisances within the meaning of this Section:

1. Any act done or committed or suffered to be done or committed by any person or any substance or thing kept, maintained, placed, or thrown on or upon any public or private place which is injurious to the public health.
2. All pursuits followed or acts done by any person to the hurt, injury, annoyance, inconvenience, or danger of the public or any member thereof.
3. The accumulation of wastepaper, trash, rubbish, old metal, scrap metal, scrap lumber, scrap machinery, appliances, and other waste materials in a haphazard, careless, and unsightly manner on any premises in the City is hereby declared to be and constitute a nuisance.
4. Every vehicle used to haul any trash, garbage, or offal in or about any street, alley, highway, or thoroughfare of the City shall be fitted with a good and substantial tight vessel thereon and adequately covered so that no portion of such trash, garbage or offal shall be scattered, thrown, or dropped into or upon any street, alley, highway, or thoroughfare.
5. No person shall place or permit to remain on his/her premises or premises under his/her charge or under his/her control as agent or owner any filth, offal, dead animal, or decaying vegetable matter or any stagnant or standing water. No person shall permit any filth, decayed or decaying animal, vegetable matter or stagnant or standing water to remain in the cellar or basement of his/her house. No person shall engage in or carry on any business or vocation on his/her premises or on any premises occupied by him/her or under his/her



charge or control that shall cause or produce noxious, unhealthy, disagreeable, or offensive smells or odors in the neighborhood.

6. No person in this City shall cause or suffer any offal, manure, rubbish or water or suffer any animal or vegetable matter or refuse or any foul nauseous matters or liquor to be discharged out of or flow from any premises owned or occupied by him/her or under his/her charge or control or to be thrown or deposited or left upon any street, alley, public avenue, public square, vacant lot or park or any other place in this City.
7. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
8. All diseased animals running at large.
9. All ponds or pools of stagnant water.
10. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
11. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious, or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
12. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects, and rodents.
13. The pollution of any well, cistern, spring, underground water, stream, lake, canal, or body of water by sewage or industrial wastes, or other substances harmful to human beings.
14. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust, or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful, or injurious to the health of any employee or to any premises, occupant or to any other person.
15. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semipublic places where not properly sanitized after use.
16. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Mount Vernon.
17. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.



18. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
19. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
20. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Mount Vernon and the Statutes of the State of Missouri.
21. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfering with the proper operation of the system or which will pollute the natural creeks or waterways.
22. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Mount Vernon.

#### **Section 215.030 Proper Notice Required For Conviction**

No person shall be convicted for maintaining any nuisance created by him/her or those under his/her charge or control unless he/she shall have first been notified by the proper authority to abate such nuisance and shall have failed to do so within the time required in such notice.

#### **Section 215.040 Notice To Abate**

Whenever it shall come to the attention of the City that there exists on any lot or parcel of land in the City, any of the conditions enumerated in Sections 215.010 – 215.080 or anywhere in the Municipal Code dealing with nuisances, the owner thereof or the person maintaining the nuisance, whichever is applicable, shall be served with a notice by the City or by such notice being mailed to the last known address of such individual, that such conditions exist and that he/she shall have ten (10) days from the date of such service in which to **remedy** such nuisance. After the ten (10) days and upon inspection that the nuisance remains, the City may issue a citation for the nuisance, which shall be prosecuted with punishment as defined in Section 100.220.

#### **Section 215.050 Abatement By City.**

If the person upon whom notice is served to abate any nuisance under the provisions of Sections 215.010 – 215.080 fails, refuses or neglects to remedy such nuisance within the time allowed, the City may in addition to prosecution cause such condition to be remedied.

#### **Section 215.060 Nuisances ---- City Expense of Suppression, How Paid**

The City shall have the power to suppress all nuisances which are, or may be, injurious to the health and welfare of the inhabitants of this City or prejudicial to the morals thereof, within the boundaries of the City and within one-half (1/2) mile of the boundaries thereof. Such nuisances may be suppressed by the ordinances of the city, or by such act or order as the charters of the city authorize them to adopt. If the nuisance is suppressed within the City limits, the expense for abating the same may be assessed against the owner or occupant of the property, and against the property on which said nuisance is committed, and a special tax bill may be issued against said property for said expenses.

#### **Section 215.070 Weeds, High Grass Or Other Vegetation.**

A. Failure To Keep Weeds, High Grass and Other Vegetation Cut And Removed, A Nuisance. All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass



and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of twelve (12) inches, it shall be deemed a public nuisance.

B. Unlawful To Maintain Such Nuisance. It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A). Each day that a nuisance shall be maintained is a separate offense.

C. Liability. Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the City, the owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.

D. Procedure To Abate Nuisance. Whether or not a party described in Subsection (C) of this Section is or has been issued a citation for maintaining a nuisance, the City may proceed as follows to abate the nuisance:

1. Notice. The City Administrator shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon, the City Administrator may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.

2. Disposition. In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the City Administrator shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.

3. Tax Bill. The City Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and 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 special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

**Section 215.080 Violations And Penalties**

Any person violating any provision regarding a nuisance as codified in Sections 215.010-215.070 may be cited and upon conviction will receive a penalty in accordance with Section 100.220, including a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment.”

SECTION TWO. This Ordinance replaces and revokes any provisions of passed ordinances inconsistent with the provisions of this Ordinance.

SECTION THREE. This Ordinance is declared to be in the best interests of the citizens of Mount Vernon, Missouri, and shall become effective and in full force and effect after its passage and approval.

Read twice, by title only, on the 27th day of February 2024, and passed by the Board of Aldermen of the City of Mt Vernon, Missouri on this 27th day of February 2024.

*Lowell W Phillips*

Lowell Phillips, Acting President

ATTEST

*April Hale*  
April Hale, City Clerk

