

ORDINANCE ADDING AND ENACTING SUBSECTION 215.010(A)(23) TO SECTION 215.010(A) REGARDING “TRASH, ROCKS ETC., WASHED ONTO STREETS” AND RENUMBERING PREVIOUS SECTION 215.010 (A)(23) “JUNK” TO 215.010 (A)(24) REGARDING CERTAIN NUISANCES AND REVISING THE ABATEMENT PROCEDURES IN BOTH SECTION 215.010 AND 215.120

WHEREAS, Section 215.010 needs to be supplemented and updated and that a new provision, intended to address the general welfare of the City, requires the adoption of a new subsection to 215.010(A), to be known as 215.010(A)(23) “Trash, rocks etc., washed onto streets” and renumbering previous subsection 23 “Junk” to section 24.

WHEREAS, the Mayor and Board of Alderman wish to adopt new subsection 215.010(A)(23), in the following form:

23.

Trash, rocks etc., washed onto streets, lots, etc., injurious to the public. All ashes, cinders, slops, filth, excrement, sawdust, rocks, gravel, dirt, straw, soot, sticks, shavings, dust, brush, logs, paper, trash, rubbish, manure, refuse, offal, waste fruit or vegetables, broken ware, rags, iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals or other offensive or disagreeable substance or thing thrown, left, deposited, caused or allowed to be left, thrown or deposited by anyone in or upon any lot, vacant or occupied, which are moved or washed by rain, wind, weather, operation of any motor vehicle or other device, or otherwise, onto a street, All such acts or omissions allowed or engaged in, or acts done by any person are deemed to be an injury, annoyance or inconvenience of the public.

WHEREAS Section 215.010(D) and 215.120 (D) contain abatement procedures and such sections should be updated and revised as follows:

215.010 D:

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.

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 may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Mayor, and that a special tax bill be issued for the costs of abating the nuisance.

4.

If the order has not been obeyed within the time period set by the Mayor, the appropriate City Official may proceed to abate the nuisance in the manner provided by the order of the Mayor, and the cost of same, if ordered by the Mayor, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe (by address or by legal description) therein the property upon which the work was done. The City Clerk shall cause such 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 (1st) 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 (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

5.

The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills and shall be a lien on the property.

6.

The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

7. As used herein the term Mayor shall include such person's designee.

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.

And 215.120(D)

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.

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 may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Mayor, and that a special tax bill be issued for the costs of abating the nuisance.

4.

If the order has not been obeyed within the time period set by the Mayor, the appropriate City Official may proceed to abate the nuisance in the manner provided by the order of the Mayor, and the cost of same, if ordered by the Mayor, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe (by address or by legal description) therein the property upon which the work was done. The City Clerk shall cause such 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 (1st) 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 (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

5.

The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills and shall be a lien on the property.

6.

The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

7. As used herein the term Mayor shall include such person's designee.

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.

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

Effective immediately, subsection (23) "Junk" of Section 215.010 is moved to subsection (24) and new subsection (23) "Trash, rocks etc., washed onto streets" to Section 215.010 is enacted and further that subsection D "abatement" to Section 215.010 is repealed and new subsection D "abatement" to Section 215.010 is enacted and further that subsection D "abatement" to Section 215.120 is repealed and new subsection D "abatement" to Section 215.120 is enacted which shall read as follows:

Section 215.010 **Nuisances Affecting Health.**

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23.

Trash, rocks etc., washed onto streets, lots, etc., injurious to the public. All ashes, cinders, slops, filth, excrement, sawdust, rocks, gravel, dirt, straw, soot, sticks, shavings, dust, brush, logs, paper, trash, rubbish, manure, refuse, offal, waste fruit or vegetables, broken ware, rags, iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals or other offensive or disagreeable substance or thing thrown, left, deposited, caused or allowed to be left, thrown or deposited by anyone in or upon any lot, vacant or occupied, which are moved or washed by rain, wind, weather, operation of any motor vehicle or other device, or otherwise, onto a street, All such acts or omissions allowed or engaged in, or acts done by any person are deemed to be an injury, annoyance or inconvenience of the public.

24. *Junk.* The unsheltered storage of old, used, stripped or junked personal property of any kind (except in licensed junk yard), including lumber, building materials, junk or other debris, abandoned, discarded or unused objects or equipment of any kind whatsoever, including household appliances, vehicle parts or tires, scrap metal, toys, furniture barrels.

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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.

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 may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Mayor, and that a special tax bill be issued for the costs of abating the nuisance.

4.

If the order has not been obeyed within the time period set by the Mayor, the appropriate City Official may proceed to abate the nuisance in the manner provided by the order of the Mayor, and the cost of same, if ordered by the Mayor, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe (by address or by legal description) therein the property upon which the work was done. The City Clerk shall cause such 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 (1st) 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 (1st) day of June of

each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

5.

The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills and shall be a lien on the property.

6.

The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

7. As used herein the term Mayor shall include such person's designee.

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 215.120 **Weeds, High Grass or Other Vegetation.**

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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.

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 may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Mayor, and that a special tax bill be issued for the costs of abating the nuisance.

4.

If the order has not been obeyed within the time period set by the Mayor, the appropriate City Official may proceed to abate the nuisance in the manner provided by the order of the Mayor, and the cost of same, if ordered by the Mayor, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe (by address or by legal description) therein the property upon which the work was done. The City Clerk shall cause such 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 (1st) 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 (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

5.

The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills and shall be a lien on the property.

6.

The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

7.

As used herein the term Mayor shall include such person's designee.

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.

PASSED THIS 12th DAY OF DECEMBER 2023.

LYNDA WILSON, MAYOR

ATTEST:

KIM JONES, ASSISTANT CITY CLERK

APPROVED THIS 12TH DAY OF DECEMBER 2023.

LYNDA WILSON, MAYOR

ATTEST:

KIM JONES, ASSISTANT CITY CLERK