

Sponsored by: City Staff

Bill No. 09-2024

Co-Sponsored by:

Ordinance No. 2024-09

AN ORDINANCE AMENDING TITLE IV. LAND USES, CHAPTER 420 TREE PRESERVATION AND RESTORATION OF THE CODE OF ORDINANCES OF THE CITY OF OVERLAND, MISSOURI, BY AMENDING SECTION 420.130 NUISANCES AND REPEALING SECTION 420.150 SUBSEQUENT VIOLATIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERLAND, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. That Title IV. Land Uses, Chapter 420 Tree Preservation and Restoration of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 420.130 Nuisances**, which reads as follows, in its entirety;

Section 420.130 Nuisances.

The Director or his/her designee shall have the authority to order the removal of trees or vegetation on private property that endangers the life, health, safety, or property of the public and thereby constitutes a nuisance. Failure of any property owner to remove said nuisance shall constitute cause for the City to abate said nuisance as set forth in this Chapter.

Section 2: That Title IV. Land Uses, Chapter 420 Tree Preservation and Restoration of the Municipal Code of the City of Overland is hereby amended by the adoption of a new **Section 420.130 Nuisances**, to read as follows;

Section 420.130 Nuisances.

The Director or his/her designee shall have the authority to order the removal of any tree(s) or vegetation on any property which by reason of its dying, decay or other reason, is a menace to the safety of persons using any street, alley or sidewalk or persons occupying any premises or parcel of ground and thereby constitute a nuisance. Failure of any property owner to remove said nuisance shall constitute cause for the City to abate said nuisance as set forth in this Chapter.

Section 3: That Title IV. Land Uses, Chapter 420 Tree Preservation and Restoration of the Municipal Code of the City of Overland is hereby amended by the repeal of **Section 420.150 Subsequent Violations**, which reads as follows, in its entirety;

Section 420.150 Subsequent Violations.

If encroaching items or nuisances are permitted to exist on private property in violation of this Chapter more than one (1) time during the same growing season and, notice of violation pursuant to Section 420.140 of the Code, was delivered to the owner or other person in control of such property for any such prior violation during the same growing season, then the Director or his/her designee, may, without further notification to such owner or other person in control of such property, remove or alter such encroaching items or nuisances, and may collect the total cost of such removal in the manner set forth in Section 225.005 (D)(3) of the Code. Director or his/her designee may hire and enter into contracts with independent contractors to remove or alter such encroaching items or nuisances.

Section 4. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval according to law.

PASSED this 13th day of May 2024.



MAYOR

May 13, 2024

Date of Approval

ATTEST:



CITY CLERK