

AN ORDINANCE PERTAINING TO PUBLIC NUISANCES CAUSED BY WEEDS, RUBBISH AND JUNK, AND THE RECOVERY OF COSTS SUSTAINED BY THEIR ABATEMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF PORTAGE des SIOUX, MISSOURI, AS FOLLOWS:

Section 1: That Missouri cities of the fourth class, Portage des Sioux being such, have the authority under sections 71.285 RSMo. and 71.780 RSMo., as amended, for the prevention of weed, rubbish and junk nuisances and their abatement.

Section 2: That the following conditions and practices are hereby declared to be nuisances because of their capability to harbor and promote the growth of rats, insects, reptiles, vermin, pollen, diseases and other problems which adversely affect and are injurious to the health, welfare, and safety of the residents of the City of Portage des Sioux.

(a) Weeds - meaning vegetation, excluding shrubs or trees, but specifically including grass, that exceeds twelve (12) inches in height. However, in residential lots where dwelling units are already constructed, grass or vegetation in excess of nine (9) inches in height shall constitute weeds subject to the nuisance enforcement provisions of this ordinance.

(b) Rubbish - meaning the inclusion but not restriction to: Human, animal, bird or other fowl droppings of feces, garbage, waste paper, rags, cartons, boxes, excelsior, shrub or yard trimmings, cans, glass, ashes, crockery, tree limbs, concrete, dirt or gravel poles, mortor, stoves, bricks, scrap metal, wood or other similar construction materials resulting from the erection or destruction of buildings.

(c) Junk - meaning abandoned, discharged or unused objects or equipment, appliances, furniture.

Section 3: Whenever weeds, in violation of this ordinance, are allowed to grow on any part of any lot or ground within the City of Portage des Sioux, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.

Section 4: Upon observing violations of this ordinance, the code enforcement officer shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or his or her agents, and by posting such notice on the premises.

Section 5: Subsequent to a lawful hearing, the code enforcement officer may declare the weeds to be a nuisance and order the same to be abated within five days; and in case the weeds are not cut down and removed within the five days, the code enforcement officer shall have the weeds cut down and removed.

Section 6: If the code enforcement officer has caused the weeds to be removed, the code enforcement officer shall certify the costs of abatement to the city clerk, who 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 a 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 January of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum.

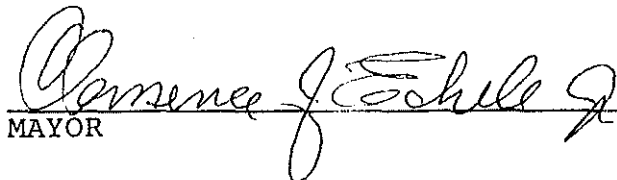
Section 7: That a Portage des Sioux police officer or code enforcement officer who observes rubbish or junk in open view on public or private property within the City, shall cause a Notice to Abate Nuisance within a maximum of ten (10) days to be given either personally or by United States Mail to the real property owner or his agent, or by posting such a notice on the premises.

Section 8: That after the expiration of the notice period, a Portage des Sioux police officer or code enforcement officer is hereby authorized to cause the abatement of any junk or rubbish, as defined herein, including the removal and disposal thereof. The code enforcement officer shall certify the costs of abatement to the city clerk, who cause a special tax bill therefore 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 a 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 January of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. The attorney for the city shall be responsible for perfecting the lien.

Section 9: If any section of this ordinance is held to be invalid by any court of competent jurisdiction, that invalidity shall not affect other sections of this ordinance which shall be construed and enforced as if such invalid provision had not been contained therein.

Section 10: That this ordinance shall be in full force and effect immediately upon its enactment and approval, and prior conflicting ordianaces are hereby repealed.

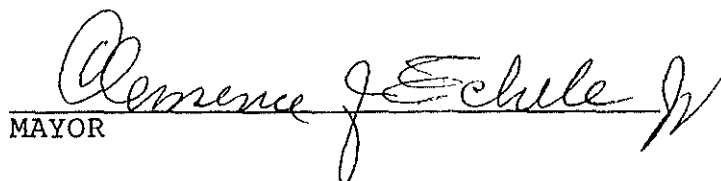
READ THREE TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF PORTAGE des SIOUX, MISSOURI, THIS _____ DAY OF _____, 1986


MAYOR

ATTEST:

CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF PORTAGE des SIOUX THIS _____
DAY OF _____, 1986


MAYOR

ATTEST:

CITY CLERK